

ADDENDUM
TO UPDATED PROOF OF EVIDENCE
OF
DAVID ROLINSON

PLANNING MATTERS

Langtree Property Partners LLP

**Called-In planning application for the Land to the west of Junction
20 of the M6 Motorway and Junction 9 of the M56 Motorway and
south of Grappenhall Lane and Cliff Lane, Grappenhall,
Warrington**

**LOCAL PLANNING AUTHORITY APPLICATION REFERENCE:
2019/34799**

SECRETARY OF STATE'S REFERENCE:

PCU/CONS/H4315/3244681

PLANNING INSPECTORATE'S REFERENCE:

APP/M0655/V/22/3311877

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 77
TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE)
(ENGLAND) RULES 2000**

Introduction

This Addendum to my Proof of Evidence addresses any matters that I considered should be updated since I prepared my Update Proof of Evidence (ID50) in November 2023. These matters comprise:

- The Warrington Local Plan Challenge outcome and implications.
- Changed references in relation to the NPPF December 2023.
- Updates in relation to Fiddlers Ferry and Omega West sites.
- Updates to the Bird Habitat Mitigation approach.
- Updates to the Section 106 Contribution figures.
- Updates to the Holcroft Mosses SAC contribution.

This Addendum document should be read in conjunction with my Updated Proof of Evidence (ID50). References within this Addendum relate to paragraph references within my Updated Proof of Evidence. Any new or amended text is highlighted in red below.

I. Detailed Updates

- I.1. Paragraph 3.4 – amend reference in last sentence to NPPF (Dec 2023) paragraph 153.
- I.2. Paragraph 3.5 – amend reference in last sentence to NPPF (Dec 2023) paragraphs 208 and 209.
- I.3. Paragraph 3.7 – amend reference in last sentence to NPPF (2023).
- I.4. Paragraph 4.3 – add new sentence at end of paragraph *“A Challenge was made to the adoption of the Warrington Local Plan 2023 by a Third Party, but this Challenge was not given leave to progress and hence I continue to accept that the Warrington Local Plan 2023 has full weight”*.
- I.5. Paragraph 4.32 – amend references in third sentence to NPPF (2023); NPPF paragraph references 13, 29 and 18 remain the same in the NPPF (2023).
- I.6. Paragraph 4.33 – amend reference in third sentence to NPPF (2023); NPPF paragraph reference 30 remains the same in the NPPF (2023).
- I.7. Paragraph 5.2 – amend reference in third sentence to NPPF (2023).
- I.8. Paragraph 5.12 – Amend quoted figures from Mr Johnson’s Addendum to his Evidence in respect of current market demand. *“In his paragraph 15.5 he confirms that he has analysed the current supply of Grade A buildings in the North West and concluded that it comprises 539,858 sq. m in twenty eight units which represents only 22 or 24 months’ supply based on the five and ten year average take up respectively”*. I confirm that this update does not alter my conclusion in my paragraph 5.18 that *“the Application Site is needed now to help to satisfy the Borough’s need and I therefore consider that this is a significant positive material*

consideration and that it should be afforded **substantial** weight in favour of the Application proposals”.

- 1.9. Paragraph 5.22 – Omega West – add new text after third sentence *“As of April 2024, I understand from Mr Johnson that two units are let to Home Bargains and Iceland and are nearing Practical Completion or are being fitted out. The third unit (Omega Loop) completed in March and is available for letting; and the final unit (Unit 4) is likely to commence construction leading to Practical Completion in Summer 2025. Unit 4 was restricted to B2 uses due to condition 1 of the Secretary of State approved outline permission requiring a site wide split of 30% / 70% between B2 and B8 (subsequently amended to 22% / 78% split). A variation application to condition 1 of the outline planning permission was approved on 16th April 2024 by St Helens Planning Committee to allow for B8 use of the whole floorspace thereby allowing Unit 4 to come forward for B8 uses”.*
- 1.10. Paragraph 5.24 – Fiddlers Ferry – add new text at end of paragraph *“The Phase 1 employment planning application (2023/00392/EA) remains undetermined having been registered in March 2023. The Council planning application web site indicates that additional drainage and ground conditions information has recently been submitted and the Applicant’s Planning Statement Addendum (Jan 2024) indicates that further Habitat Regulations Assessment information has yet to be submitted. Demolition of the first phase of the Coal Stocking Yard and Cooling Towers was undertaken in December 2023. It is understood that further demolition is programmed for Spring 2024, but this does not include the remaining four cooling towers. Public consultation on the Landowner’s draft “Fiddlers Ferry Development Framework” closed on 11th February 2024. The Landowner’s Website confirms feedback from this consultation will shape the final version of the Development Framework which will then be submitted to Warrington Council for their formal agreement. The draft Fiddlers Ferry Development Framework indicates that the employment uses on the site will comprise B8, B2 and low carbon energy projects. It*

also confirms that Phase 1 of the employment development is the subject of a current application and that “two further employment phases are expected to be complete and occupied in 2027 and 2030....the first new homes at Fiddlers Ferry are expected to become available from 2025” (paragraph 6.21). I do not accept that the first new homes will be available from 2025 since the Development Framework needs to be approved by the Council prior to the determination of any planning application and no residential planning application has been submitted at the time of writing this evidence. I maintain that for such residential elements to have been submitted and approved and sold to cross enable the employment phases means that 2025 for the residential elements remains totally unrealistic and hence completion and occupation of the second phase of employment in 2027 is also totally unrealistic. I further note in paragraph 6.38 of the draft Development Framework that the Ash Processing Plant which forms part of Phase 3 employment area “will be retained to support ash extraction operations until at least 2032”. I can confirm therefore that the draft Delivery Framework provides no new information in relation to delivery timescales or viability that result in me changing my conclusions”.

- 1.11. Paragraph 5.33 – amend reference in first sentence to NPPF (2023).
- 1.12. Paragraph 5.43 – amend reference in first sentence to NPPF (2023).
- 1.13. Paragraph 5.52 – amend reference in first sentence to NPPF (2023).
- 1.14. Paragraph 5.53 – amend reference in last sentence to NPPF (2023) paragraphs 180 (d) and 186 (d).
- 1.15. Paragraph 5.56 – amend reference in first and last sentences to NPPF (2023).
- 1.16. Paragraph 5.58 – amend reference in last sentence to NPPF (2023).
- 1.17. Paragraph 5.60 – amend reference in first sentence to NPPF (2023).

- 1.18. Paragraph 5.63 – amend reference in second sentence to NPPF (2023) paragraphs 208 and 209.
- 1.19. Paragraph 5.64 – amend reference in first sentence to NPPF (2023).
- 1.20. Paragraph 5.66 – amend reference in first sentence to NPPF (2023).
- 1.21. Paragraph 5.68 – amend reference in last sentence to NPPF (2023).
- 1.22. Paragraph 5.70 – amend reference in first sentence to NPPF (2023).
- 1.23. Paragraph 5.73 – amend reference in first sentence to NPPF (2023). Please also refer to my '*Implications of the NPPF (19/12/2023)*' document (ID57) which is still extant.
- 1.24. Paragraph 5.74 – amend reference in first sentence to NPPF (2023) paragraph 85.
- 1.25. Paragraph 5.75 – amend reference in first sentence to NPPF (2023).
- 1.26. Paragraph 5.88 – ongoing discussion and agreement with Warrington Council has led to updated Section 106 contribution figures and an agreed Holcroft Mosses contribution. Also, the owner of the Upper Moss Side land referred to as a potential recipient of the compensatory bird habitat Section 106 contribution has decided that it is no longer available for such use following the enactment of the Bio-diversity Net Gain requirements. The draft Section 106 clause allowed for the contribution to be utilised at other alternative sites to be agreed with the Council. The Applicant is in dialogue with the Council in respect of such an alternative site within the Council's ownership as set out by Ms Seal in her Addendum Evidence. These changes have necessitated changes to my paragraph 5.88 which I set out in full below with amended text in red: -

“I understand that the Local Authority and the Applicant also agree that the matters for the Section 106 agreement comprise:

Highways

1. Contribution to provide footway/cycleway infrastructure linking the site with Broad Lane and Barleycastle Lane. £405,950 (100% prior to first occupation)
2. Contribution to public transport service bespoke to needs of employees of final occupiers. £687,800 (50% (£343,900)) prior to commencement and 50% (£343,900 prior to occupation)
3. Contribution to operation of strategic Travel Plan covering entire site. £50,000. (100% prior to first occupation). To be applied to the annual monitoring of the Travel Plan for a period of five years from submission of the Travel Plan.

Cessation of use of residential property within the Site

4. No development, other than matters of highway detail shall commence until the use of Bradley Hall farmhouse and other curtilage buildings for residential purposes has ceased.

Ecology

5. Contribution of [to be confirmed] applied to the Mersey Gateway Environmental Trust (MGET) for compensatory bird habitat at **Gatewarth, Warrington** (or other alternative site agreed with the Council) comprising habitat creation/restoration, with a management and maintenance fee for **30** years by MGET.

6. Full details of the ecological mitigation area as shown on drawing number 16- 184 P111 Rev 1 (Green Infrastructure Parameters Plan), including timescales for implementation, to be submitted prior to commencement. Development of the area to be carried out in accordance with the approved details and timescales.

7. The submission of a Framework Landscape and Ecological Management Plan (LEMP) for those landscaped areas of the site defined on the Green Infrastructure Parameters Plan (drawing no. 16-184 P111 Rev 1) to be submitted and approved prior to the commencement of the development.

i) Details of the legal and funding mechanism by which the long-term implementation of the plan, for a minimum of 30 years, will be secured by the developer with the management body responsible for its delivery.

j) Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity and landscape objectives of the originally approved scheme.

Prior to the commencement of development on each phase or plot (as defined by the phasing plan required by condition 5), a LEMP for that phase or plot shall be submitted to and approved in writing by the Local Planning Authority. The content of such LEMPs shall be in accordance with the details set out in the Framework LEMP, or any revised details as prior approved in writing by the Local Planning Authority and include a timetable for their implementation and details of management, site maintenance and monitoring. The development of each phase or plot shall be carried out in accordance with the approved LEMP for that phase.

Employment

8. *Submission of a Local Employment Scheme prior to commencement, to include:*

a) Details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;

b) Details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;

c) A procedure setting out criteria for employment, and for matching of candidates to the vacancies;

d) Measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;

e) Details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development;

f) A procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Local Planning Authority including details of the origins qualifications numbers and other details of candidates; and,

g) A timetable for the implementation of the Local Employment Scheme.

In December 2023, Warrington Council consulted on a draft Planning Obligations Supplementary Planning Document (ID60) which included a financial contribution mechanism for qualifying sites to contribute towards the mitigation strategy for the Holcroft Mosses SAC in accordance with a Habitat Mitigation Plan. The Council have also prepared a “Holcroft Moss – Calculation of contribution for Six:56” document (March 2024) which sets out a financial contribution requirement of £112,285 for the Application proposal and the CIL Compliance Statement (ID62) indicates that 100% will be paid on commencement. I have evaluated these documents and confirm that the Applicant is agreeable to this financial contribution towards the Holcroft Mosses Habitat Mitigation Plan and that appropriate clauses are now included within the revised draft section 106 agreement”.

- 1.27. Paragraph 6.4 – amend reference in first sentence to NPPF (2023) paragraph 142.
- 1.28. Paragraph 6.5 – amend reference in first sentence to NPPF (2023) paragraph 152; second sentence to paragraph 153; and last sentence to paragraph 143.
- 1.29. Paragraph 6.6 – amend reference in first sentence to NPPF (2023).
- 1.30. Paragraph 6.21 – amend reference in first sentence to NPPF (2023) paragraph 153.
- 1.31. Paragraph 6.29 – amend reference in last sentence to NPPF (2023) paragraph 153. Add new sentence *“Even though the Warrington Local Plan has been adopted recently (December 2023) and the Application Site remains in the Green Belt, I maintain my view in paragraph 6.29 that “in line with paragraph 148 of the NPPF (2023), ‘very special circumstances’ exist to support the Application proposals”.* Appendix 1 to my Addendum Evidence is the Committee Report in respect of a large B8 employment application in Wakefield, West Yorkshire (reference 22/02485/HYB) and a letter dated 8th March 2024 on behalf of the Secretary of

State. The application is for 141,085 sq.m of employment development (105,834 sq.m for B8 space and 35,252 sq.m for E(G) (ii), E9G) iii, B2 or B8 floorspace). Even though the site was promoted for employment allocation and hence Green Belt release, it was retained within the Green Belt in the recently adopted Wakefield Local Plan (24th January 2024). Despite this on 15th February 2024 (less than one month after the adoption of the Wakefield Local Plan) Wakefield Council Planning and Highways Committee resolved to approve the application as a departure from that Local Plan as they accepted that ‘very special circumstances’ had been demonstrated. It was referred as a departure to the Secretary of State who on 8th March 2024 confirmed that “the Secretary of State has decided not to call in this application. He is content that it should be determined by the local planning authority”. Whilst I fully accept that each case should be considered on its own merits, I do consider that it is highly relevant to the current Application Proposals that in respect of the Wakefield case, the Secretary of State confirmed that even though the Local Plan had been very recently adopted, he decided not to intervene in the decision of a Local Planning Authority who concluded that ‘very special circumstances’ existed for a large scale employment (B8) proposal despite it being contrary to a very recently adopted Local Plan.

- 1.32. Paragraph 7.1 – amend reference in last sentence to NPPF (2023) paragraph 205.
- 1.33. Paragraph 7.2 – amend reference in first sentence to NPPF (2023) paragraph 208.
- 1.34. Paragraph 7.3 – amend reference in first sentence to NPPF (2023) paragraph 209.
- 1.35. Paragraph 7.4 – amend references to NPPF (2023) paragraphs 208 and 209.
- 1.36. Paragraph 8.1 – amend references to NPPF (2023).

- I.37. Paragraph 8.4 – amend reference to NPPF (2023).
- I.38. Paragraph 8.16 – amend reference to NPPF (2023) paragraph 153.
- I.39. Paragraph 8.17 – amend references to NPPF (2023) paragraphs 208 and 209.

Dave Rolinson

Spawforths

8th May 2024

P4055-SPA-RP-TP-0045-A

Appendix I



Department for Levelling Up,
Housing & Communities

Ian Pollard
Service Manager
Planning Services (Development
Management & Building Control)
Wakefield Metropolitan District Council
Wakefield One, Burton Street, Wakefield,
WF1 2EB

Please ask for: **Giulia Bazzoni**
Tel: 0303 444 8050
Email: Giulia.bazzoni@levellingup.gov.uk
Your ref: 22/02485/HYB
Our ref: PCU/CONS/X4725/3339118

By email only

Date: 08/03/2024

Dear Ian

The Town and Country Planning (Consultation) (England) Direction 2021

Application by Axiom for a hybrid planning application seeking: (i) full planning permission for enabling works including incidental coal extraction to create development platforms along with off-site highways improvements and site access and installation of other supporting infrastructure, in addition to: (ii) outline planning permission for 141,085 sq. m employment development of which 105,834 sq. m of B8 floorspace and 35,251 sq. m (E(g)(ii), E(g)(iii), B2 or B8 floorspace together with ancillary offices and an electrical vehicle charging station (Sui generis), and hard and soft landscaping at Park Road/M62/Stainburn Avenue land at Castleford.

Application no: **22/02485/HYB**.

I refer to your e-mail of 16 February 2024 referring to the Secretary of State for Levelling Up, Housing and Communities ("The Secretary of State") an application for planning permission for the above development.

The Secretary of State has carefully considered the case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively.

The Government is committed to give more power to councils and communities to make their own decisions on planning issues and believes planning decisions should be made at the local level wherever possible.

Planning Casework Unit
Department for Levelling Up, Housing & Communities
23 Stephenson Street
Birmingham
B2 4BH

Tel: 0303 44 48050
pcu@levellingup.gov.uk

In deciding whether to call in this application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that the application should be called in. The Secretary of State has decided not to call in this application. He is content that it should be determined by the local planning authority.

In considering whether to exercise the discretion to call in this application, the Secretary of State has not considered the matter of whether this application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The local planning authority responsible for determining this application remains the relevant authority responsible for considering whether these Regulations apply to this proposed development and, if so, for ensuring that the requirements of the Regulations are complied with.

Yours sincerely

G Bazzoni

Giulia Bazzoni - Decision Officer
Senior Planning Officer

This decision was made by officials on behalf of the Secretary of State, and signed on his behalf

Your Ref.
Our Ref
Please Reply To Andrew Taylor
Telephone No (01924) 305051
Email committeeservices@wakefield.gov.uk
Date 07 February 2024

To: Members of Planning and Highways Committee

Councillors Byford (Chair), Girt, Harvey, Heptinstall, Mayhew, Page, Scott, Swift, Tennant-King (Deputy Chair), Tulley and Wallis

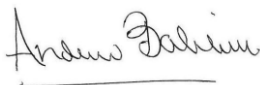
Dear Member

**PLANNING AND HIGHWAYS COMMITTEE MEETING –
THURSDAY, 15 FEBRUARY 2024**

You are invited to the Planning and Highways Committee, to be held at **10:00 am** on **Thursday, 15 February 2024 in the Kingswood Suite, Town Hall, Wakefield.**

The agenda for the meeting is detailed on the following page.

Yours sincerely



Andrew Balchin
Chief Executive

PLEASE NOTE: Any additional information regarding Applications received after the Agenda has been published will be made available at the meeting.

The Chair will, if required, adjourn the Meeting at 1.00 p.m. and the Meeting will then recommence in the Kingswood Suite, Town Hall, Wakefield at 2.00 p.m.

As a courtesy to colleagues will you please turn all electrical devices to silent prior to the start of the meeting.

Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees except during consideration of exempt or confidential information. There is disabled access to all meeting rooms in Town Hall and rooms are equipped with a hearing loop.

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 15 February 2024

AGENDA

1. Chair's Announcements
2. To note any items which the Chair has agreed to add to the agenda on the grounds of urgency
3. Members' Declarations of Interest
Members are reminded of the requirement to make an appropriate verbal declaration at the meeting on any item(s) on this agenda in which they have an interest. Having done so, Members are asked to complete a form detailing the declaration, which will be available from the Committee Officer at the meeting.
4. Apologies for Absence
5. To approve as a correct record, the Minutes of the Meeting of the Planning and Highways Committee held on 16 November 2023. (Pages 1 - 2)
6. Planning Applications. (Wards Affected: No4). (Pages 3 - 157)

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PLANNING AND HIGHWAYS COMMITTEE

Thursday, 16 November 2023

Present: The Chair (Councillor Byford);
 The Deputy Chair (Councillor Tennant-King);
 Councillors Girt, Harvey, Heptinstall, Mayhew, Page, Scott, Swift, Tulley
 and Wallis.

26. CHAIR'S ANNOUNCEMENTS

The Chair, Councillor Byford, drew attention to an additional schedule available to Members and to members of the public attending the meeting which contained further information in respect of the applications received since reports had been prepared.

The Chair continued by highlighting that there was provision by prior arrangement for applicants, objectors or others on their behalf, together with the Local Members of the Ward concerned, to speak for up to three minutes in support of or against any applications, including reserved matters and amendments relating thereto, shown on the Agenda and being considered at the meeting and for Members to ask questions of the speakers to clarify information given.

27. MEMBERS' DECLARATIONS OF INTEREST

No declarations of interest were made.

28. MINUTES - 19 OCTOBER 2023

Resolved – That the Minutes of the meeting of the Planning and Highways Committee held on 19 October 2023 be approved as a correct record.

29. PLANNING APPLICATIONS. (WARDS AFFECTED: NOS 8 & 10)

The Service Director, Planning, Transportation and Highways reported on the following applications for planning consent. Attention was particularly drawn to an additional information schedule circulated at the meeting containing further information received in respect of the applications since the reports had been prepared.

Resolved – That the applications be dealt with as shown below, subject to the final wording of conditions to be settled by the Service Director, Planning, Transportation and Highways or the Corporate Director, Regeneration and Economic Growth, in consultation with the Chief Legal Officer, as appropriate.

Application Number Applicant/Agent	Proposal/Location
1) 22/02360/FUL Sahota c/o Mr M MacWhirter	The demolition of existing building and construction of two residential units to form a total of 12no. flats, associated vehicle parking, bin storage and landscaping at 2A Westfield Road Horbury Wakefield WF4 6NH
<p>Refused for the following reason(s):</p> <p style="margin-left: 40px;">The proposed development would result in significant harm to the character of the area and the setting of the adjacent Horbury Conservation Area due to the scale of development, design of the buildings including the materials, poor architecture and</p>	

PLANNING AND HIGHWAYS COMMITTEE

fenestration and relationship with existing buildings which would fail to maintain the strong sense of place and would look at odds with the prevailing character along Tithe Barn Street, Westfield Road and High Street. The harm resulting from the proposed development would not be outweighed by public benefits and is therefore contrary to policies CS10, D9 and D18 of the Local Development Plan and paragraphs 130 and 202 of the NPPF.

The proposed development of the upper block of residential units is considered to result in an overbearing impact when viewed from the adjacent residential properties of No.2 Westfield Road and those properties on Bank Street which back onto the site. As such, the development is considered to result in a significant harmful impact on the residential amenity of neighbouring occupiers. The proposed development is therefore contrary to policy D9 (k) of the Local Development Plan.

The proposed development would, by virtue of the number of apartments proposed together with the associated parking, cycle storage and bin storage, result in overdevelopment of the site which is characterised by large dwellings with substantial gardens. The proposal would, as a result, be harmful to the visual amenity of the area contrary to policies CS10 and D9 of the Local Development Plan and Section 12 of the National Planning Policy Framework.

The application had been considered at the previous meeting (Minute 25 refers) with the reasons for refusal being brought back to the Committee for final approval.

2) 18/00754/S7301

Section 73 Application for the variation of Planning Conditions approved under Permission Ref. 18/00754/WAS Conditions 1 (Time Limits), 3 (Approved Plans), 15 (Landform), 16 (Contours) And 23 (Landscaping) for modified Landfill Reclamation Scheme.

Officer recommendation was for Approval.

Refused – for the following reason:

The further extension of time for the importation of waste to the site would prolong the operational impact of the site upon the amenity of local residents, ecology and biodiversity in the surrounding locality, and undermine nature recovery objectives by further delaying site restoration. The proposal is therefore contrary to policies CS10, D4, D5, D6, D9 and W6 of the Council's adopted Local Development Framework, policies WLP22, WLP49, WLP50, WLP51, WLP57 and WLP64 of the Council's emerging Local Plan to 2036, paragraph 174 of the National Planning Policy Framework and Appendix B to the National Planning Policy for Waste (2014).

The Planning and Highways Committee heard representations on behalf of objectors, from the applicant and from Councillor Hemingway (Local Ward Member – Ward 15) and Councillor Armaan Khan (Local Ward Member – Ward 10).



**REPORT TO PLANNING AND
HIGHWAYS COMMITTEE**

**TO BE HELD ON
15 FEBRUARY 2024**

List of Applications

Item	Application	Proposal	Location	Ward
1	22/02474/FUL	Full planning application for the redevelopment of existing stadium comprising demolition of existing main (east) stand and replacement with new all-seater stand with associated corporate hospitality and entertainment facilities along with new gym, club management facilities and offices, refurbished high ball skills and wrestling facility, provision of fan zone, installation of 4G training pitch with floodlighting, resurfacing of car park and circulation areas, selected refurbishment of Railway End (south stand) and refurbishment of Princess Street (west) and Wheldon Road (north) stands including replacement cladding and associated infrastructure, drainage, landscaping and engineering works.	Castleford Rugby League Football Club Wheldon Road Castleford WF10 2SD	04
2	22/02485/HYB	Hybrid planning application seeking: (i) full planning permission for enabling works including incidental coal extraction to create development platforms along with off-site highways improvements and site access and installation of other supporting infrastructure, in addition to: (ii) outline planning permission for 141,085 sq. m employment development of which 105,834 sq. m of B8 floorspace and 35,251 sq. m (E(g)(ii), E(g)(iii), B2 or B8 floorspace together with ancillary offices and an electrical vehicle charging station (Sui generis), and hard and soft landscaping.	Park Road/M62/Stai nburn Avenue/Spittal Hardwick Lane (land At) Castleford	04

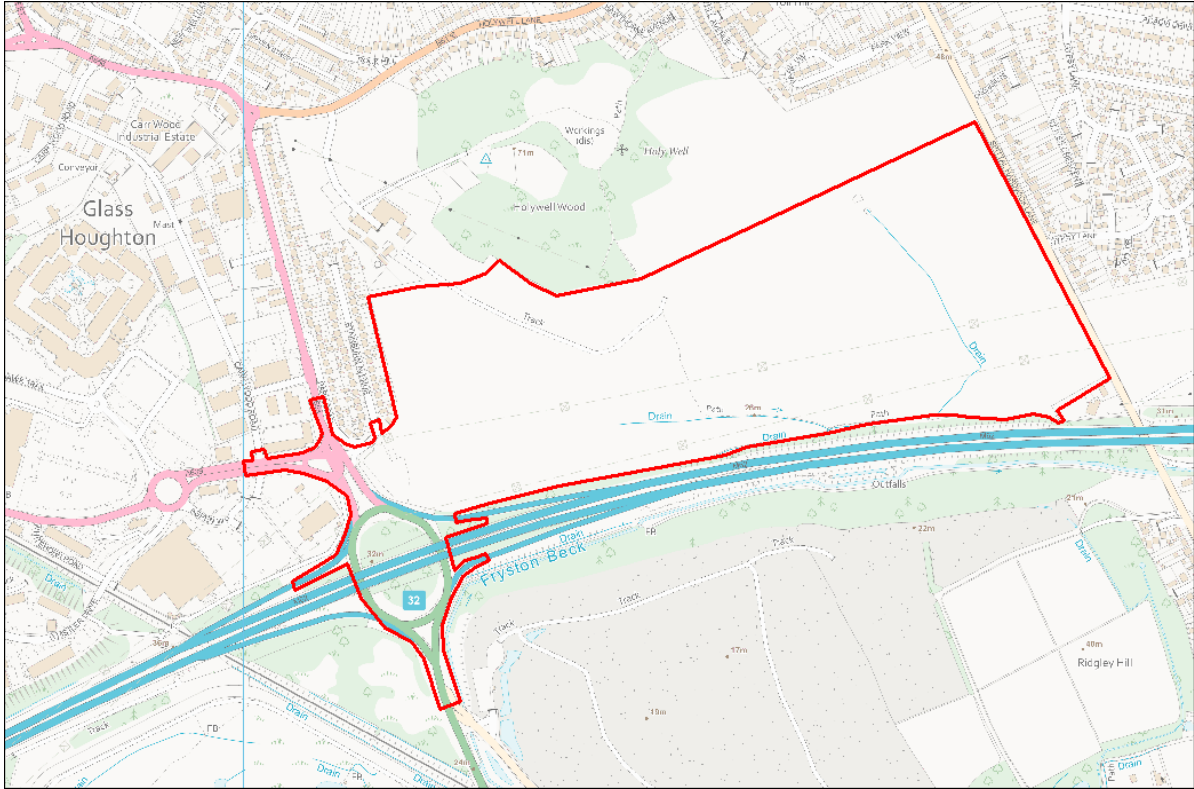
Agenda Item 6 (2)

	<p style="text-align: center;">REPORT TO PLANNING AND HIGHWAYS COMMITTEE</p> <p style="text-align: center;">TO BE HELD ON 15 FEBRUARY 2024</p>
	<p style="text-align: center;">Application Type: Hybrid Application</p> <p style="text-align: center;">Application Number: 22/02485/HYB</p>

REPORT OF: SERVICE DIRECTOR FOR PLANNING, TRANSPORTATION AND STRATEGIC HIGHWAYS

WARD AFFECTED: 04 - CASTLEFORD CENTRAL AND GLASSHOUGHTON

SUBJECT: HYBRID PLANNING APPLICATION SEEKING: (I) FULL PLANNING PERMISSION FOR ENABLING WORKS INCLUDING INCIDENTAL COAL EXTRACTION TO CREATE DEVELOPMENT PLATFORMS ALONG WITH OFF-SITE HIGHWAYS IMPROVEMENTS AND SITE ACCESS AND INSTALLATION OF OTHER SUPPORTING INFRASTRUCTURE, IN ADDITION TO: (II) OUTLINE PLANNING PERMISSION FOR 141,085 SQ. M EMPLOYMENT DEVELOPMENT OF WHICH 105,834 SQ. M OF B8 FLOORSPACE AND 35,251 SQ. M (E(G)(II), E(G)(III), B2 OR B8 FLOORSPACE TOGETHER WITH ANCILLARY OFFICES AND AN ELECTRICAL VEHICLE CHARGING STATION (SUI GENERIS), AND HARD AND SOFT LANDSCAPING. AT PARK ROAD/M62/STAINBURN AVENUE/SPITAL HARDWICK LANE (LAND AT) CASTLEFORD BY HIGHGROVE GROUP (JUNCTION 32) LTD _ AXIOM YORKSHIRE LTD C/O MR STEVEN RENSHAW



EXECUTIVE SUMMARY

This application is a hybrid planning application seeking: *(i) full planning permission for enabling works including incidental coal extraction to create development platforms along with off-site highways improvements and site access and installation of other supporting infrastructure, in addition to: (ii) outline planning permission for 141,085 sq. m employment development of which 105,834 sq. m of B8 floorspace and 35,251 sq. m (E(g)(ii), E(g)(iii), B2 or B8 floorspace together with ancillary offices and an electrical vehicle charging station (Sui generis), and hard and soft landscaping (application reference 22/02485/HYB).*

The application has been submitted concurrently with a separate planning application at Castleford Tigers existing stadium at Wheldon Road which seeks full planning permission for: *the redevelopment of existing stadium comprising demolition of existing main (east) stand and replacement with new all-seater stand with associated corporate hospitality and entertainment facilities along with new gym, club management facilities and offices, refurbished high ball skills and wrestling facility, provision of fan zone, installation of 4G training pitch with floodlighting, resurfacing of car park and circulation areas, selected refurbishment of Railway End (south stand) and refurbishment of Princess Street (west) and Wheldon Road (north) stands including replacement cladding and associated infrastructure, drainage, landscaping and engineering works (application reference: 22/02474/FUL).*

The two applications are linked as the current application (22/02485/HYB) proposes to provide a financial contribution of £12.2m to fund the upgrade works to Castleford Tigers existing stadium at Wheldon Road being applied for under application 22/02474/FUL.

The site pursuant to this planning application (22/02485/HYB) has an extensive planning history and an extant planning consent for a development comprising a retail park, sports stadium, country park and associated development, which has been lawfully implemented (by the digging of trenches) and could continue at any time.

Several factors weigh heavily both against and in support of the proposed development proceeding. In summary, the main factors weighing against the proposal include: the harm to the Green Belt by reason of inappropriateness and harm to openness; visual impacts; and loss of agricultural land. In summary, the main factors weighing in support of the proposal include: the socio-economic and civic benefits arising from the financial contribution which would be used to provide the off-site stadium improvements which would in turn secure the long-term future of Castleford Tigers Rugby League Club; the significant job creation and employment benefits; the improvement works to the motorway junction and the provision of recreational open space within the site.

In the overall planning balance, it is concluded that cumulatively, the benefits do clearly outweigh the totality of the harm and therefore very special circumstances justifying development in the Green Belt are demonstrated. Accordingly, there are clear grounds for Members to resolve to approve this application, subject to the imposition of planning conditions and the completion of a section 106 legal agreement.

STRUCTURE OF THE REPORT

Section	Detail
	Summary of key issues and the recommendation
1	The site
2	The proposal
3	Planning history
4	Allocation, constraints and planning guidance / policy
5	Publicity and representations
6	Consultations
7	Key determining issues
8	<p>Assessment</p> <p>8.1 – Background and Introduction</p> <p>8.2 – Principle of the development and Key Considerations</p> <p>8.2.1 – Spatial strategy and location of the development</p> <p>8.2.2 – Land use allocation / Green Belt</p> <p>8.2.3 – Castleford Tigers Stadium improvements</p> <p>8.2.4 – Viability issues and construction costs</p> <p>8.2.5 – Assessment of Alternatives</p> <p>8.3 – Environmental Impact Assessment and Technical considerations</p> <p>8.3.1 – Socio-economic impacts (including employment land supply issues)</p> <p>8.3.2 – Landscape and visual impacts</p> <p>8.3.3 – Ecology, biodiversity and protected species</p> <p>8.3.4 – Traffic and transport</p> <p>8.3.5 – Air quality</p> <p>8.3.6 – Amenity issues</p> <p>8.3.7 – Ground conditions</p> <p>8.3.8 – Flood risk and drainage</p> <p>8.3.9 – Sustainability and climate change</p> <p>8.3.10 – Safety and security</p> <p>8.3.11 – Cultural heritage and archaeology</p> <p>8.4 – Other material planning considerations</p> <p>8.4.1 – Utilities</p> <p>8.4.2 – Loss of agricultural land</p> <p>8.4.3 – Waste</p> <p>8.4.4 – Consideration of representations received</p> <p>8.4.5 – Section 106 agreement and pre-commencement conditions</p> <p>8.4.6 – Public Sector Equality Duty</p> <p>8.5 – ‘Very Special Circumstances’ and Planning Balance</p>
9	Conclusion and recommendation

SECTION 1 - THE SITE

The site pursuant to this application comprises approximately 48 hectares of land located within the south-east of the Castleford Central and Glasshoughton Ward. The site is located approximately one and a half miles to the south-east of Castleford town centre, approximately two miles to the north of Pontefract town centre and adjacent to junction 32 of the M62 motorway. The site is currently open, greenfield land designated within the district's Green Belt, previously used for agriculture (wheat crop). There is a small area of hardstanding in the south-west corner, accessed via Stainburn Avenue.

To the north of the site are buildings associated with Holywell Farm; a disused quarry; Holywood Wood – which is a designated Local Wildlife Site (LWS) covered by a blanket Tree Preservation Order (TPO); grazing land and cultivated arable farmland; and residential properties located along Park View.

The eastern boundary of the site is formed by Spittal Hardwick Lane, which comprises predominantly residential properties with a wood yard and garden furniture centre adjacent to the south-eastern corner of the site.

Adjacent to the western boundary of the site are a number of residential properties located along Stainburn Avenue and Park Road. Further to the west is a large, mixed-use area comprising a designated employment zone – within which are various industrial, warehousing and storage sites, together with car showrooms and a petrol filling station – and other retail and leisure uses including the Xscape leisure complex, a discount retailing outlet, railway station, food outlets, a B&Q retail warehouse, industrial units, offices and housing.

The southern boundary of the site immediately adjoins the northern embankment of the M62 motorway, and the south-west corner of the site adjoins the junction 32 roundabout (which is included within the defined application site area). Beyond the M62 motorway to the south is the former Prince of Wales colliery site, Pontefract park and racecourse, and the residential suburbs of Pontefract.

The site itself is undulating, sloping from the highest point along the northern boundary (approximately 55m Above Ordnance Datum (AOD)) to its lowest point along the southern boundary, adjacent to the motorway (approximately 22m AOD). Holywood Wood, located outside of the site, is situated on higher ground at approximately 70m AOD. A number of large electrical cables cross the site from east to west. A line of smaller overhead cables previously ran from north to south but have now been diverted underground around the site boundary.

Two Public Rights of Way (PRoW) previously crossed the site – footpath 20 which travelled in a south-westerly direction from Holywell Farm and south from Hawthorne Avenue, linking into footpath 21 which ran in a north-south direction through the centre of the site. Following the approval of planning permission in 2015 for development of this site (detailed later in this report), these two PRoWs have been diverted with footpath 20 now running along the northern boundary of the site connecting to footpath 34 which runs along the eastern boundary. In addition, there are several other PRoW outside of the application site but within the surrounding area.

Vehicular access is currently restricted to an existing access point off Stainburn Avenue which accesses the existing hardstanding area in the south-west corner of the site. There is currently no pedestrian accessibility within or through the site with the exception of footway 20 adjoining the northern perimeter of the site.

SECTION 2 - THE PROPOSAL

THE SCHEME

This application has been advertised with the description: “*Hybrid planning application seeking: (i) full planning permission for enabling works including incidental coal extraction to create development platforms along with off-site highways improvements and site access and installation of other supporting infrastructure, in addition to: (ii) outline planning permission for 141,085 sq. m employment development of which 105,834 sq. m of B8 floorspace and 35,251 sq. m (E(g)(ii), E(g)(iii), B2 or B8 floorspace together with ancillary offices and an electrical vehicle charging station (Sui generis), and hard and soft landscaping.*

A full description of the development is set out within Section 3 of the applicant’s supporting Planning Statement (PS) and within section 4 of the Environmental Statement (ES), wherein it is stated:

The subject application is submitted in hybrid as it proposes off-site highway work along with site earthworks and infrastructure to create development platforms in full with the subsequent details of the buildings, car parks and yards along with hard and soft landscaping in outline to be determined in due course through subsequent reserved matters applications submitted on a phased basis. The ‘full’ element of the works will enable level plateaus to be created for the subsequent construction of the buildings as is required for employment and logistics operators (PS, para 3.2)

The detailed design of the areas of landscaping and public open space have been excluded from the ‘full’ element of the hybrid planning application to enable further design work to be undertaken with input from relevant stakeholders. It is envisaged that these details would be agreed as a first phase with soft landscaping installed along the site boundary prior to commencement of construction of the buildings on the site to ensure disturbance during construction for neighbours is minimised and to provide additional time for this element of the landscaping to mature whilst the development is under construction (PS, para 3.4)

The ‘full’ elements of the proposal comprise the following:

- off-site highway works to J32 of the M62;
- cut and fill earthworks including:
 - stripping of 145,000 cubic metres of topsoil;
 - offsite disposal of around 70,000 cubic metres of topsoil;
 - creation of 45,000 cubic metre construction landscape mounds;
 - incidental coal extraction of 50,000 cubic metres of coal;
 - crushing of around 50,000 cubic metres of hard rock on site for plateau capping;
 - total cut and fill earthworks of 640,000 cubic metres;
- slope stabilisation works for the northern boundary
- mineshaft treatment of Shaft 444424-008 in the north-western corner of the site;
- on-site highways infrastructure with associated drainage up to base course level;
- foul water drainage infrastructure including a new foul water pumping station, off-site rising main and on-site gravity system below the on-site highways infrastructure;

- construction of retaining structures to facilitate building plateau construction;
- excavation of wetland ponds; and,
- diversion of the north-south watercourse on site

Given the topography of the site, significant earthworks are required, and modelling indicates that a cut of up 20m will be required in the northern section of the site to create the required development platforms south of this cut. This will enable level development platforms levels to be created, with these ranging between 28.0m and 31.5m above ordnance datum (AOD) across the site. Landscaped earth mounds are proposed to be formed, utilising displaced material from the formation of the development platform, around the boundaries of the site to screen the development from residential properties to the west and east. The finished earth mound to the west would have a height of 40 AOD and the earth mound to the east would have a height of 37 AOD.

The part of the application which seeks outline planning permission relates to the *principle* of the development together with *means of access*. Matters of *scale, appearance, layout* and *landscaping* are reserved for future assessment. The 'outline' elements of the proposal comprise the following:

- erection of 141,085 sq. m of buildings to be used for employment purposes (Classes E(g)(ii), E(g)(iii), B2 and B8 together with ancillary offices);
- formation of vehicle delivery and dispatch yards adjacent to employment units;
- formation of car parking areas for staff and visitors to the units;
- construction of an electrical vehicle charging facility;
- on-site highway infrastructure above base course level; and,
- installation of associated hard and soft landscaping

To inform the assessment of the outline elements of the proposal a Land Use Parameter Plan and Building Heights Parameter Plan has been submitted together with indicative site layout and landscaping drawings.

The Land Use Parameter Plan identifies the maximum extents of the proposed development land uses within which all built form would be situated. The Building Height Parameter Plan sets out the maximum heights that can be constructed within these areas. The plans enable an assessment to be made of the potential impacts of the development on the closest residential receptors whilst enabling the detailed layout and design of the units to be developed later and assessed at the reserved matters stage. The maximum building height parameter areas would ensure that the proposed buildings would be no closer than the following distances to the nearest residential properties:

- Unit 1 – 58m to the west of the closest residential gardens on Stainburn Avenue and 67m to the closest residential property;
- Unit 5 – 71m to the east to the closest residential gardens on Spittal Hardwick Lane and 82m to the closest residential property; and,
- Unit 5 – 220m to the north to the closest residential gardens on Park View and 232m to the closest residential property.

The indicative masterplan shows an example of how the development could be laid out in accordance with the Land Use Parameter and Building Height Parameter plans. This shows that the building heights have been reduced in the eastern and western parts of the Site in the areas closest to the nearest residential properties and it is stated that barrel vaulted roofs could be used as part of the design to further minimise impacts.

An area (approximately 5 hectares) of publicly accessible public open space is proposed to be provided in the south-eastern section of the site which includes open space and a water body. Additional perimeter landscaping would ensure that approximately 9 hectares of land within the site would form open space and landscaped buffers.

Highways works

The main access point to the site would be taken from a new, improved junction to the west of the development site, from junction 32 of the M62 motorway and Park Road at the junction with Colorado Way. Consequently, a number of changes are proposed to the Park Road / Colorado Way junction and junction 32 of the M62 motorway, summarised as follows:

- The existing southbound carriageway of Park Road would be realigned to the east, forming a new one-way section of carriageway past the development site towards Junction 32. This would require changes to the existing Park Road / Colorado Way junction, with the southbound Park Road approach realigned to accommodate two lanes for traffic turning left to the new section of southbound carriageway towards Junction 32;
- An additional lane will also be provided on the Colorado Way approach, with the length of the existing flare for left turns towards Park Road extended;
- A new traffic signal-controlled junction will be provided on the realigned section of Park Road to provide access to and from the development site from Park Road and Colorado Way, with a new section of carriageway also providing direct access from Junction 32. Left-turn movements exiting the site only (i.e. towards Junction 32) would be accommodated. Traffic departing the site towards Castleford and Glasshoughton would be required to circulate Junction 32 to access Park Road northbound and Colorado Way.

There would be no vehicular access to / from Spittal Hardwick Lane to the east of the site; however, plans indicate that provision would be made for a combined pedestrian and cycle link through the site along a new spine road extended from the improved access in the west to Spittle Hardwick Lane in the east, delivered to bridleway standards.

Castleford Tigers Stadium improvements application

This application is being considered together with a concurrent planning application for upgrade works to Castleford Tigers existing rugby stadium at Wheldon Road:

Proposal: Full planning application for the redevelopment of existing stadium comprising demolition of existing main (east) stand and replacement with new all-seater stand with associated corporate hospitality and entertainment facilities along with new gym, club management facilities and offices, refurbished high ball skills and wrestling facility, provision of fan zone, installation of 4G training pitch with floodlighting, resurfacing of car park and circulation areas, selected refurbishment of Railway End (south stand) and refurbishment of Princess Street (west) and Wheldon Road (north) stands including replacement cladding and associated infrastructure, drainage, landscaping and engineering works.

Location: Castleford Rugby League Football Club, Wheldon Road, Castleford

Application reference: 22/02474/FUL

Within the applicant's supporting PS for the current application, it is stated:

WHELDON ROAD STADIUM IMPROVEMENTS

Although not part of the subject hybrid planning application, a fundamental part of the overall proposal is the financial contribution provided by the proposed employment development to the improvement of Castleford Tigers' Wheldon Road stadium.

The contribution will result in the much-needed substantial upgrades to Wheldon Road to bring it up to Super League standards and provide the club with long term financial sustainability. A separate full planning application has been made for these improvements at the same time as the subject hybrid planning application. The two proposals will be linked by a S106 Agreement that will guarantee that the funds are provided from the subject development and directed towards the stadium improvements ... This financial contribution is a fundamental part of the overall employment and logistics proposals.

The contribution amount is £12.2m which would be secured through a section 106 legal agreement.

SUPPORTING INFORMATION

Submitted Documentation

Members are advised that all of the plans and documents supporting the application can be viewed online via the Council's public access system.

An Environmental Impact Assessment (EIA) has been undertaken and an Environmental Statement (ES), together with technical appendices and a Non-Technical Summary (EIA NTS), have been submitted. The ES comprises:

- Non-Technical Summary
- Volume 1 – ES Chapters 1 - 18
- Volume 2 – Technical appendices

In addition to the ES, the following documents have also been submitted:

- Planning Statement (dated November 2022) – later updated
- Arboricultural Impact Assessment (dated August 2022)
- Biodiversity Net Gain Assessment (dated November 2022) – later updated
- Socio-Economic Statement (dated October 2022)
- Castleford Tigers Need Statement (dated November 2022)
- Design and Access Statement (dated November 2022) – later updated
- Design Code (dated November 2022)
- Employment Land Review (dated November 2022)
- Landscape Statement (dated November 2022)
- Statement of Community Involvement (dated November 2022)
- Viability Statement (dated November 2022)
- BREEAM Pre-Assessment

Additional information

During the course of the assessment of the application, the following additional / amended information was submitted for consideration:

- 10 March 2023 – Updated Flood Risk Assessment (dated March 2023)
- 22 March 2023 – Response to Arboricultural Officer (dated March 2023)

- 24 April 2023 – Various technical responses.
- 4 May 2023 – Highways Technical Note (dated 4 May 2023)
- 5 May 2023 – 2 x Drainage Technical Notes (dated 25 April 2023)
- 17 May 2023 – Response to WMDC Highways (dated May 2023) and response to WMDC Spatial Policy (dated May 2023)
- 6 June 2023 – Updated Flood Risk Assessment (dated 5 June 2023), and Drainage Technical Note (dated 5 June 2023) and Various highway documents.
- 21 June 2023 – Travel Plan v1.3 (dated 20 June 2023)
- 11 July 2023 – Temporary Surface Water Drainage plan (7983-MJM-XX-00-DR-D-6605)
- 18 July 2023 – Travel Plan v1.4 (dated 18 July 2023)
- 24 July 2023 – Response letters (dated 24 July 2023)
- 27 July 2023 – 2 x drainage plans
- 14 September 2023 – Temporary Surface Water Drainage plan (7983-MJM-XX-XX-DR-C-6701 rev P5), Travel Plan v1.6 (dated 8 September 2023), Public Transport Technical Note (dated 8/9/23), Cycling Provision Technical Note (dated 8/9/23). Conclusions and Planning Balance update (September 2023).
- 3 October 2023 – Highways response
- 5 and 6 October 2023 – Updated D&A Statement, ES Addendum and associated appendices, updated ES Non-Technical Summary, and updated Planning Statement.
- 13 October 2023 – Updated ES appendices.

SECTION 3 - PLANNING HISTORY

Planning history of the site pursuant to this application

Outline consents –

On 13 August 2015 following the completion of a s106 legal agreement and referral to the Secretary of State (SoS) (and the National Planning Case Unit (NPCU) confirming on behalf of the SoS that the application would not be called-in) the Local Planning Authority (LPA) approved outline planning permission for a *mixed-use development comprising the erection of a 10,000 capacity community stadium (Use Class D2), Class A1 retail uses (up to 53,093sqm), Class A3 food and drink uses, a petrol filling station comprising sales kiosk building (Use Class A1) with associated fuel pump islands and fuel pumps, a country park (Sui Generis), highways improvements and alterations, car parking, servicing areas and extensive hard and soft landscaping* (application reference **14/01440/OUT**).

Subsequently, on 28 April 2016, following the completion of a Deed of Variation to the original s106 agreement and referral to the SoS, the LPA approved planning permission for

the *variation to conditions 4 and 5 (approved plans), and 55 (access works), to approved application 14/01440/OUT* (application reference **15/03041/FUL**).

Subsequently, on 8 December 2016 and again following the completion of a Deed of Variation to the original S106 agreement and referral to the SoS, the LPA approved planning permission for the *variation to conditions 8, 9, 10, 11, 12, 13, 14 and 15 (retail floorspace and restriction conditions), to approved application 15/03041/FUL* (application reference **16/01544/FUL**).

Four applications to make non-material amendments to S73 application 16/01544/FUL were subsequently approved as follows:

- Non material amendment to the wording of condition 14 of S73 application 16/01544/FUL (application reference **17/01317/NMC** approved on 13 June 2017) to allow a reduced anchor store 1 whilst retaining the retail floor space.
- Non material amendment to the wording of conditions 8 and 12 of S73 application 16/01544/FUL to allow the approved external sales area to be operated independently from Anchor Unit 1 (application reference **18/00576/NMC** approved on 26 April 2018).
- Non material amendment to the wording of condition 8 of S73 application 16/01544/FUL to allow an increase in the capacity of the community stadium from 10,000 to 10,245 spectators (application reference **18/01696/NMC** approved on 3 September 2018).
- Non-material amendment to vary the wording of conditions 18, 34, 36, 40 and 54 of S73 application 16/01544/FUL to permit a phased discharge of the conditions and thereby allow development to commence prior to the full discharge of these conditions (application reference **16/01544/NMC01** approved on 11 August 2020).

Reserved matters consents –

On 25 August 2017 the LPA approved a reserved matters application (reference **17/01358/REM**) for the reserved details (layout, scale, appearance and landscaping) insofar as they related to Phase 1 (off-site highway works, surface water drainage works in connection with off-site highway works and limited on-site highway works) and Phase 2a (site wide on-site infrastructure to base course level including surface water drainage) of approved S73 application 16/01544/FUL. Subsequently, proposed changes to the development platform profile necessitated a further application for the approval of reserved matters pertaining to Phases 1 and 2a which were approved (under application reference **18/01296/REM**) on 12 April 2019.

On 15 March 2019 the LPA approved a reserved matters application (reference **18/01733/REM**) for the reserved details (layout, scale, appearance and landscaping) insofar as they related to Phase 2b (country park and landscaping), Phase 3 (stadium and associated development) and Phase 4 (retail buildings and associated development) of approved S73 application 16/01544/FUL.

One application to make non-material amendments to reserved matters consent ref. 18/01733/REM was subsequently approved: 19/01448/NMC

Discharge of conditions and certificate of lawful development

A number of applications have been submitted and approved to discharge / part-discharge pre-commencement and other conditions from approved S73 application 16/01544/FUL including: 16/01544/SUB01 (approved 2/8/17), 16/01544/SUB02 (approved 25/8/17), 16/01544/SUB03 (approved 26/10/17), 16/01544/SUB04 (approved 24/8/17),

16/01544/SUB05 (approved 24/8/17), 16/01544/SUB06 (approved 24/8/17), 16/01544/SUB07 (approved 14/8/18), and 16/01544/SUB08 (approved 14/8/18).

On 23 November 2020 a Certificate of Lawful Development was approved with the following description: *Application for a Certificate of Lawfulness to confirm that the excavation of foundation trenches and pouring of concrete to begin erection of foundations comprises the lawful commencement of development of Planning Permission reference 16/01544/FUL dated 8 December 2016 (for a mixed-use development comprising the erection of a 10,000 capacity community stadium (Use Class D2), Class A1 retail uses (up to 53,093sqm), Class A3 food and drink uses, a petrol filling station comprising sales kiosk building (Use Class A1) with associated fuel pump islands and fuel pumps, a country park (Sui Generis), highways improvements and alterations, car parking, servicing areas and extensive hard and soft landscaping) (application reference 20/02122/CPE).*

Officers are satisfied that following the approval of the various outline, reserved matters, discharge of condition and certificate of existing lawful development applications listed above, the site has an extant planning permission for a development comprising a retail park, sports stadium, country park and associated development and that the development has been lawfully implemented and works could continue at any time. This is a material planning consideration in the assessment of this application.

Other relevant planning applications

The following three applications are considered relevant to the determination of this application. The Castleford Tigers Stadium improvements application is relevant because it is the proposed development to which the proposed cross funding from the current application would be used.

The Newmarket and Wakefield Trinity applications are relevant as they are other applications approved recently by the LPA where cross funding was used from an employment-led development on a site within designated Green Belt to improve a sports stadium at another site. Summarised, the 'Plot 8' site had an extant planning consent for a new sports stadium; however, the proposals sought to develop the site for warehousing with an excess developer profit (c £8.8m) being used to cross-fund works to upgrade Wakefield Trinity's existing rugby league ground at Belle Vue. The funding was secured via a section 106 legal agreement and following both planning applications being approved works to implement both schemes have commenced and are ongoing.

Castleford Tigers Stadium improvements application –

Proposal: Full planning application for the redevelopment of existing stadium comprising demolition of existing main (east) stand and replacement with new all-seater stand with associated corporate hospitality and entertainment facilities along with new gym, club management facilities and offices, refurbished high ball skills and wrestling facility, provision of fan zone, installation of 4G training pitch with floodlighting, resurfacing of car park and circulation areas, selected refurbishment of Railway End (south stand) and refurbishment of Princess Street (west) and Wheldon Road (north) stands including replacement cladding and associated infrastructure, drainage, landscaping and engineering works.

Location: Castleford Rugby League Football Club, Wheldon Road, Castleford

Application reference: 22/02474/FUL

Newmarket and Wakefield Trinity –

In December 2020 the following two planning applications were submitted to the LPA for assessment which were ultimately granted planning permission in March 2022:

Proposal: Full planning application for the development of two storage and distribution warehouses (19,105 sq. m and 18,260 sq m.) (Use Class B8) together with ancillary offices,

lorry and car parking, hard-standing, yard, drainage, landscaping and associated infrastructure and engineering works and a new pedestrian and cycle route from the B6135 to the Trans Pennine Trail.

Location: Plot 8, Newmarket Lane, Wakefield.

Application reference: 20/02249/FUL

Proposal: Redevelopment of existing stadium comprising: demolition of existing east stand and replacement with 2-storey stand with 2,507 seated capacity and associated facilities, internal refurbishment of the Rollin Shack to provide additional facilities including gym, surfacing of car park, provision of fan zone, resurfacing of the pitch, upgrade to the existing floodlights, permanent electronic display screen and re-surfacing of existing north stand.

Location: Belle Vue Stadium, Doncaster Road, Wakefield

Application reference: 20/02587/FUL

SECTION 4 - ALLOCATION, CONSTRAINTS AND PLANNING POLICY / GUIDANCE

Allocation

The majority of the site is designated within the Green Belt within the Council's adopted Local Plan to 2036. The site is also subject to the following designations / constraints:

- The whole of the site is located within a mineral safeguarding area (designation MSA6); and the wildlife habitat network.
- The southern part of the site falls within an identified bat alert zone.
- The majority of the site falls within flood zone 1 (low risk) of the Environment Agency's flood risk mapping system; however, a small part of the site in the south-east corner falls within flood zones 2 and 3. Parts of the site are also within zones 2 and 3a of the Council's Strategic Flood Risk Assessment.
- Parts of the site fall within the Coal Authority's "development high risk" referral area.
- The site is located to the south of Holywell Wood which is a designated Local Wildlife Site (LWS) (formerly a Site of Scientific Interest (SSI)), which is also covered by a blanket Tree Preservation Order (TPO).
- A number of Public Rights of Way (PRoW) adjoin the site including footpath numbers 20 and 34.

The following legislation, national planning guidance/policy and policies within the Council's LDF are relevant to the determination of this application:

Legislation

The Town & Country Planning Act 1990 (as amended).

Planning (Listed Building & Conservation Areas) Act 1990.

The Planning and Compulsory Purchase Act 2004.

The Crime and Disorder Act 1998.

Conservation of Habitats and Species Regulations 2017.

Equality Act 2010.

Human Rights Act 1998.

The Environment Act 2021.

National planning policy / guidance

The National Planning Policy Framework (NPPF) (2023)

The National Planning Practice Guidance (PPG) (first published March 2014 and periodically amended).

The National Design Guide

The National Model Design Code

Wakefield District Local Plan 2036

The Council's Wakefield District Local Plan 2036 sets out the Council's planning policies for securing growth, investment, sustainable development and improving the environment in the district to 2036 and provides a comprehensive, updated planning framework of policies, site allocations and designations. The Local Plan was submitted to the Secretary of State for examination in public in May 2021. Following examination and a final round of main modifications consultation in the summer of 2023, the Inspector's Report confirmed that the Plan was sound and could proceed to adoption. The Council adopted the Local Plan following a Full Council resolution on 24 January 2024.

The following policies within the adopted Local Plan are relevant:

- SP1 Presumption in favour of Sustainable Development
- SP2 Settlement Hierarchy
- SP3 Location of Development
- SP10 Local Economy
- SP 12 Leisure, Recreation and Open Space
- SP13 Sustainable Transport
- SP14 Transport Network
- SP15 Influencing the Demand for Travel
- SP19 Minerals
- SP20 Digital Infrastructure
- SP21 Community Facilities and Services
- SP 22 Green Belt
- SP23 Design, Safety and the Local Environment
- SP24 Mitigating and Adapting to Climate Change and Efficient Use of Resources

- LP27 Access and Highway Safety
- LP 28 Green and Blue Infrastructure
- LP29 Flood Risk
- LP30 Drainage
- LP32 Renewable Energy
- LP33 Sustainable Construction and Efficient Use of Resources
- LP 34 Electric Vehicle Charging Infrastructure
- LP37 Mineral Extraction
- LP38 Mineral safeguarding

- LP41 Coal Extraction
- LP44 Waste Facilities within Development
- LP47 Open Space in New Development
- LP51 Ecological and Geological Conservation
- LP53 Wildlife Habitat Network
- LP54 Protection of Trees and Woodland
- LP55 Landscape Character
- LP56 Design of New Development
- LP59 Landscape Design
- LP60 Safety and Security Through Design
- LP63 Conserving the Historic Environment
- LP64 Designated Heritage Assets
- LP65 Non-designated Heritage Assets
- LP66 Development Affecting Archaeological Sites
- LP67 Pollution Control
- LP69 Contaminated Land and Unstable Land
- LP70 Protection of Agricultural Land
- LP71 Soil Conservation

Supplementary Planning Guidance

Wakefield Council Street Design Guide (adopted 18 January 2012).

Wakefield Council Interim Guidance for Developers to Achieve Net Gain for Biodiversity through Development (January 2023)

Other documentation

West Yorkshire Air Quality and Emissions Good Practice Technical Guidance –

This document has been developed through joint working by the West Yorkshire Authorities. The document is linked to the Council's Air Quality Action Plan, the West Yorkshire Low Emissions Strategy and the West Yorkshire Transport Plan. It is intended that it will be agreed by each of the West Yorkshire Local Planning Authorities and added to their local lists as a technical good practice guidance document.

SECTION 5 - PUBLICITY AND REPRESENTATIONS

CONSULTATION / PUBLICITY UNDERTAKEN BY THE APPLICANT PRIOR TO THE SUBMISSION OF THE PLANNING APPLICATION

The applicant has submitted a document entitled 'Statement of Community Involvement' (dated November 2022) which outlines publicity and consultation undertaken by the applicant prior to the application being submitted and a summary of the feedback received. It is stated within the document that the scheme was publicised through exhibitions and public events, leaflet and letter distribution, social media, and the use of a dedicated website. It is stated within the document that written feedback was received from 880 people of which 75% supported the proposed employment and logistics development at the Axiom site and 91% supported the proposed upgrade works to Castleford Tigers existing stadium at Wheldon Road. The document states that changes to the scheme have been made as a result of the consultation including providing additional landscaping and proposing to deliver it earlier in the development process.

The publicity/consultation undertaken by the applicant is welcomed and the content of the document is noted.

PUBLICITY UNDERTAKEN BY THE LOCAL PLANNING AUTHORITY (LPA)

Publication of the application has been undertaken in accordance with legislative requirements and the Council's 'Publicity for Planning Applications' document (adopted September 2009).

The application has been advertised as a departure from the Council's adopted development plan and publicised on the Council's website, by press advertisement and by site notice. The expiry date of the initial publicity period was 26 January 2023; however, following receipt of additional and revised plans and documentation, the application was re-advertised by the same methods in October 2023. The expiry date of the second publicity period was 16 November 2023.

A significant number of representations have been received by the LPA comprising letters of objection, support and comment.

Note – The word 'letter' below should be taken to include hand-written letters, emails and online representations.

Letters of objection

In total 224 letters of objection to the development have been received (at the time of writing). Summarised, the following concerns were raised:

- The land is located within the Green Belt; the proposals are inappropriate development; no very special circumstances have been demonstrated; the proposals are contrary to the fundamental aims of the Green Belt and contrary to the Development Plan.
- The site should remain Green Belt land.
- The development would increase congestion and worsen an already problematic road system. The increase in traffic around the J32 turn is concerning as this roundabout is heavily congested daily.
- The proposals will increase traffic and noise to Spittal Hardwick Lane.
- There would be an increase in air, noise, dust & light pollution; detrimental to the health and wellbeing of everyone living in the surrounding area.
- Linking the application to the potential upgrade of the Castleford Rugby Ground sets a dangerous precedent and is unfair, immoral, unethical & unlawful.
- There will be harm to wildlife. What is proposed to protect animals and wildlife?
- The development would be for the benefit of Castleford Rugby club and its supporters, not local residents.
- The development will de-value local properties.
- The development will detrimentally impact on visual amenity; green roofs could go some way to alleviating visual and environmental impact.
- The development will increase employment and encourage people to move into the area. Doctors/hospitals are unable to cope now.
- The majority of letters supporting the application are from supporters of Castleford Rugby club.
- The proposed units are too high and too close to residential properties.
- There are other sites and vacant units in the district more suited to this type of development.
- There is no need for the development.

- Previous proposals for the site were an improvement on current proposals.
- The development would result in loss of views; loss of privacy; loss of light; and will be overbearing.
- There was a lack of statutory planning notices warning of the planning application & neighbours were not notified.
- Fully behind progress and want Castleford Tigers Rugby Club to prosper but not at any cost.
- The proposed landscaping & tree planting will not hide the buildings.
- The organisation is holding Castleford Tigers and their supporters to ransom by only investing if the proposed development is approved.
- The proposals are an abuse of the planning process and blatant bribery.
- The benefits of potential jobs would not outweigh the increase in traffic, noise, light and fuel emissions.
- The application has not demonstrated how it will impact residents on the adjoining streets fairly.
- The application has been pushed through without full consultation.
- Other areas of the district are in need of more investment than this area.
- There are concerns regarding parking, litter and vandalism.
- No indication of ground levels has been provided.
- Money should be invested into the community.
- The development could have a knock-on effect for XScape and Junction 32 shopping outlet.
- Most of the jobs created would be low skilled and low paid contributing to in-work poverty.
- The proposals are contrary to the Council's climate change reduction strategy.
- The amount of greenspace proposed is not sufficient and no explanation for its reduction has been provided.
- There are concerns regarding drainage.
- The development is unsuitable and out of context with its surroundings.
- There are concerns regarding the extraction of coal from a site that has never been a coal mine.
- There is concern that the Council does not have the capacity to enforce payment of the £12m off-site financial contribution if the developer reneges on the agreement or market conditions change.
- There are concerns regarding safety and security.
- The applications come under the review criteria for referral to the Secretary of State under the Town & Country Planning (Consultation) (England) Direction 2021.
- There are concerns that Castleford will suffer through the industrialisation of the area and see an economic decline.
- There are concerns regarding the feasibility of the proposals given the market is shrinking and exporting is falling.
- The application should be considered on its own merits and not in conjunction with proposals for the Castleford Tiger's rugby ground.
- Retail development is needed, not warehouse development.
- There are concerns regarding vibration from the open casting and construction works.
- The funds could be better used to build revenue within Castleford as the town centre is filled with desolate and empty shops.
- The comments mentioning Castleford Tigers Ground are not this planning application and so why should they be considered? The only comments should relate solely to the detail within the red line of the planning application.

- The majority of the community, and commuters off the M62 will have to put up with disruptive work, noise and air pollution for months, possibly years.
- The proposed electric charging station seems to be an environmental sweetener & totally conflicts with also wanting to extract coal from the site.
- The proposals will create an undesirable precedent allowing works to proceed without full planning approval on the details, suggesting a pre-empting of that approval.
- The road works scheme is the one previously proposed for the retail development and seems to be far in excess of what is required for a warehouse development access. This seems to be a cost saving exercise by the developer.
- Discussions with Wakefield Council on the Area Plan to 2036 have re-affirmed the Green Belt status of the land and questioned the need for such extensive changes to the road layouts.
- There are too many local yards and units currently up for rent and scale in the local areas – why aren't these being put to use?
- The application details are not easy to access.
- The developers don't have any tenants lined up for the units.
- The number of jobs is pure speculation.
- Coal extraction proposals should be rejected outright.
- Are we saying that all those [letters] in support sent in on the 2.2.24 without making comments are fair to this application? It comes across as rigged and we are not getting a fair justification of this.

Letters of support

In total 2,101 letters have been received in support of the application (at the time of writing). Summarised, the following positives of the scheme were highlighted:

- Both schemes will create much needed jobs for people in the area; will help the rejuvenation of Castleford; and will boost the economy.
- The proposals will help Castleford Tigers to remain in the super league; and will secure the future for the club.
- The amended scheme has taken into consideration screening, size & shape of buildings and provided a designated wetland.
- Huge financial investment has already taken place and the applicant has detailed multi-million pound highway improvement works which will benefit residents and visitors to XScope.
- Castleford has gone downhill over the years; this improvement is desperately needed to bring more jobs and visitors into the area.
- If the applicant fails and the club cannot improve facilities, it may be lost, and many people will lose a massive part of their lives and futures of young people of Castleford and the surrounding area.
- The area, and WMDC, has lost a lot of highly paid jobs in the last few years (Ferrybridge power station, Kellingley pit); besides the employment aspect, the project will put a lot of money into WMDC.
- The plans appear to have been designed to cause as little disruption as possible to local housing and the environment.
- Benefits to the community include 2500 jobs, 4000 trees to be planted, £14m on highway improvements, green buffer zones & footways/cycleways.
- Great addition for the community.
- The socio-economic benefits far outweigh the negative drawbacks.

- The development will encourage new business to move to the area with its road networks so close by.
- Support the development subject to ensuring wildlife is protected and not damaged.
- Secures the long-term health of the town centre by changing the planned out of town retail site into an industrial site.
- Both projects need to happen as soon as possible.
- This team sport is inclusive for all; is the heart of the community; and the thought of the club losing elite status is unthinkable.
- The loss of the club would be a tragedy not only for Castleford but the Wakefield Metropolitan area.
- The site is more suited to employment uses than the approved retail/leisure uses. The current proposals will create less traffic whilst still benefitting from the same off-site highway improvements.
- The provision of new job opportunities and the addition of an electrical vehicle charging station shows a commitment to sustainability and innovative technologies.
- The proposed hard and soft landscaping will enhance the area and provide outdoor areas for people to enjoy.
- The proposals will not only create valuable jobs but would also release valuable funding for Castleford Tigers.
- As long as the concerns of local residents are taken into account, the development has the potential to aid so many.
- In the present financial crisis, with Covid decimating businesses, a development such as this can only be a positive for Castleford and the surrounding areas.
- The land is not used and the proposals will make good use of it.
- Currently the region is dominated by low paid retail jobs; this project would provide better paying office roles which residents would have had to travel to Leeds or Wakefield for otherwise.
- More visitors to our region means more employment.
- Whilst sympathetic to objectors who lose their views, if that was ground for rejection we would still be living in the 18th century surrounded by fields and agriculture.
- The previous approval was granted to allow Castleford to thrive; boost its economy, improve employment, and encourage business interests in the area. A devastating pandemic put stop that. Axiom have advised that on completion a £142 million of economic growth should be generated within the area. This cannot be ignored. This amended application should be approved to allow this proud, small town to grow.
- Axiom appear to have put much thought into this change of use.
- Support the application only if the stadium is upgraded first, as promised.
- Take the whole town, community, and district into consideration before a small percentage of opposition; the overall benefit to the town has to be considered above personal feelings.
- The applicant has mitigated a lot of local issues by adding a strategic green belt barrier.
- The view from Spittal Hardwick Lane has always been industrial so having industrial units which can be bunded and landscaped won't make a difference.
- The site is well suited for industrial development and should create minimal disruption during its development.
- The proposals will provide the regeneration it needs to be able to compete economically with Wakefield and Leeds.
- The proposals will provide an opportunity for levelling up the economic differences between and north and south.
- Cannot turn away up to 2000 jobs.
- The new link road will ease congestion around the J32 area.

- The development is of a similar niche to existing and will be sheltered from local housing by trees.
- The proposed units will breathe life into a neglected area.
- Exceptional circumstances in the Green Belt are 2,500 jobs, £14m on highway improvements, 14,000 trees and green screening on a site where at present only thistles and nettles are growing.
- The town wants a ground it can be proud of on a par with other super league clubs. The thousands of loyal rugby fans want a ground that is fit for purpose.
- None of the reasons to object are valid.
- Wakefield & Featherstone rugby clubs have had a revamp/work done; if the Club doesn't get the stadium in the same way that the Wildcats got theirs, it's showing a negative attitude towards the people of Castleford; Wakefield Trinity have been given the funds to redevelop their ground, similar should be applied to Castleford Tigers.
- Something like the Axiom site is needed to echo XScape.
- The proposals are also likely to generate requirements for temporary accommodation such as hotels which further boosts business in the area.
- Castleford deserves to see progress throughout the town.
- The town badly needs the improvements to the ground as it is the heart and soul of Castleford.
- Castleford over the past 10 years or more has been dying, over the past couple of years it has started to build itself back up. Applaud the decision to build and hope the Council sees the benefits will well outweigh the negatives.
- The proposals will expand on the area's growing importance as a key national logistics hub.
- Axiom are committed to bringing business opportunities to Castleford. Should be rewarded with planning approval.
- The site has no special merit that will be taken away from the local public if the development takes place.
- It is not just the professional side of the club that will benefit but also the great work carried out in the community by Castleford Tigers Foundation will be boosted.
- A new ground will boost up morale.
- If not supported the project will be elsewhere.
- Let's make this happen so we can have two more grounds as well as clubs to be proud of.
- The redevelopment of Castleford Tigers stadium will bring a much needed boost to the whole of the town and livelihoods of many local people.
- Can we really afford to turn this down with the number of jobs it will create for local people.
- People are more likely to travel to a new updated stadium to support their teams who play Castleford.
- The country park will be of benefit for walking, cycling, running through.
- Reluctantly back the plans because it is the only way work on the improvements and renovations on the Tigers ground can go ahead, however have severe reservations at the size of the planned units and the negative affect this may have on the area.
- Makes sense to keep warehousing close to major motorways and HGVs away from town throughways.
- With an industrial estate on the doorstep it would stop a lot of people travelling to Leeds, Bradford and Wakefield. Some workers will cycle to work.
- The development is essential for an area that has greater disadvantage and poverty than other districts in the Wakefield area and significantly greater disadvantage and poverty than the national average.

- Support the development; note that the works to J32 will cause further disruption but are needed. Ask that people in Castleford are notified of the changes during the works as too often the works on Glasshoughton roads start without notification.
- Purchasing a property with a distant, open view doesn't come within its deeds.
- The development will be an asset to Castleford.
- Opposition to large scale development and investment is to be expected but the Government and Council must look at the overall projected positives.
- Don't like to see the removal of Green Belt land but also don't want to see the town fade away along with a hundred years of heritage for the rugby club.
- Covid caused trauma and devastation throughout the world and this country; an investment such as this should not be disregarded.
- The north has been indicated as lacking extensive financial funding and investment.
- An open view is a privilege but unfortunately not a guarantee.
- Millions have already been spent on testing and preparing the land, and permission granted for a mass development regardless of its use.
- The rugby ground is an embarrassment in 2023; about time it was upgraded to more modern facilities.
- Noise, pollution and congestion impacts will be reduced by this re-use application.
- The town needs something to give people something to be proud of after everything they have lost.
- Employment will include apprenticeships for young people.
- Since the coal industry, coke ovens, Hicksons, Lambsons and a lot of smaller companies have closed, Castleford seem to have missed out on projects to bring larger employers back to the area.
- Castleford has an abundance of clean, green open spaces – the area of land is not a treasured green space enjoyed by everyone.
- Improved facilities to bring the ground up to standard are desperately needed. The main stand and toilets have not changed in 42 years.
- The Rugby Ground helps many with their mental health – meeting friends and a like-minded community.
- Castleford Tigers is one of the positive things about Castleford; bonds the town; hopefully the club will be here for many more years to come.

In addition, a petition in support of the application has been received containing 32 names/signatures. Summarised, the petition, in the form of an open letter from the playing and coaching staff of Castleford Tigers, highlights the following:

- Wheldon Road has been the beating heart of the club since 1927, however the fundamental structures of the stadium are increasingly obsolete and without significant new investment, the remaining lifespan on the ground must be limited. Poor quality facilities and the Club's ability to cater for players and visitors with disabilities is severely compromised.
- The proposals provide perhaps the last opportunity to rejuvenate Wheldon Road Stadium and if approved Wheldon Road will benefit from a new all-seater Main Stand with pitch-side and elevated viewing areas for supporters with accessibility requirements; modern players facilities; an improved home for the Castleford Tigers Foundation which engages around 2,500 people per month on varied local community, health, education related projects; and will help secure the future of Castleford Tigers, ensuring the Club can meet expected new Super League standards; and help make the Club more financially sustainable.
- The success of the Club can influence the sense of wellbeing within the town.
- The only way of funding the vital improvements required is through money provided by the Axiom employment development. Due to this and the range of other benefits that scheme provides including over 2,000 new jobs in Castleford, hope that

Wakefield Council approve the Axiom application to ensure the substantial benefits of both applications can be delivered.

Letters of comment

In total 8 letters of comment have been received (at the time of writing) raising the following, summarised, issues:

- Concerned the proposals would impact on households on Spittal Hardwick Lane but as long as the larger units are nearer to XScope and there is no road access onto Spittal Hardwick and a pedestrian access to XScope then it would be a good area for employment.
- Would prefer the stadium to stay on Wheldon Road.
- Would cause more accidents on the road.
- Traffic must be sorted.
- Support as bring much needed jobs to Castleford.
- I have no objections.
- The area near Junction 32 is so busy that the slightest stoppage/slowing of traffic sees it stretching back to Castleford/Pontefract; the present A639/A656 road traffic levels are almost at 100% & there will also shortly be two major supermarkets on the A658 along with the busiest filling station in the area. When traffic to/from the J32 outlet, XScope and fast food outlets is added it can barely cope. All this development increases the number of vehicles that use J32 and will cause gridlock at peak and busy times. The A639/A656 cannot take the amount of traffic planned to be introduced unless the roads are upgraded.

SECTION 6 - CONSULTATIONS

An overview of the consultation responses received is provided below. A full transcript of all consultation comments can be found on-line and analysis is provided in the 'Assessment' section of this report.

External consultees

National Highways

Initially advised that planning permission should not be approved until various issues were addressed. Following the submission of revised and additional information, a final response (dated 19 October 2023) was issued advising that planning permission could be approved, subject to the imposition of conditions to ensure that: (i) a construction management plan is submitted and approved, (ii) the motorway junction upgrade works are completed before the development becomes operational and (iii) a boundary treatment plan relating to the boundary with the M62 is submitted and agreed.

West Yorkshire Combined Authority

No objections to the development in principle subject to: (i) either a link from Park Road to Spittal Hardwick Lane through the site for buses being provided or, if this is not possible, a bus turning head and bus stops being provided within the site, (ii) a £50,000 financial contribution being secured for bus shelter upgrades on Spittal Hardwick Lane, and (iii) a financial contribution being secured for bus service improvements in the area.

Leeds City Region Enterprise Partnership

No response/comments received at the time of compiling this report.

Yorkshire and Humber Assembly

No response/comments received at the time of compiling this report.

Sport England

No objections to the proposed development. Supportive of the contributory financial payment to be used towards upgrading works at Castleford tigers existing ground at Wheldon Road.

Coal Authority

No objections subject to the imposition of recommended planning conditions. No objections to the proposed development subject to the imposition of recommended planning conditions.

Environment Agency

Following the submission of additional information, no objections are raised subject to the imposition of recommended planning conditions. Advice is provided relating to various issues including flood risk, compensatory storage and flood resilience.

Yorkshire Water Services

No objections to the proposed development subject to the imposition of recommended planning conditions.

Natural England

No objections to the proposed development. Advice provided.

West Yorkshire Ecology

No response/comments received at the time of compiling this report.

BSG Ecology (acting in their capacity as the Council's ecological advisors)

Advise that the ecological survey work, biodiversity gain assessment and ecology assessment that have been undertaken in support of the planning submission are considered to have taken into account appropriate guidance and provide sufficient information on baseline ecology conditions in order to inform the assessment and therefore a planning decision. Planning conditions are recommended in the event that planning permission is approved.

Yorkshire Wildlife Trust

Advised that they would not be commenting on the application.

Historic England

No objections to the proposed development.

West Yorkshire Archaeology Advisory Service

No objections to the proposed development. Some archaeological investigation and recording has been undertaken at the site; however, a planning condition is recommended to secure the remainder.

West Yorkshire Geology Trust

No objections to the proposed development.

British Transport Police

No objections. Advice provided.

Network Rail

No response/comments received at the time of compiling this report.

Northern Rail

No response/comments received at the time of compiling this report.

Arriva

No response/comments received at the time of compiling this report.

North Yorkshire County Council

No response/comments received at the time of compiling this report.

Leeds City Council

No response/comments received at the time of compiling this report.

Kirklees Council

No response/comments received at the time of compiling this report.

Selby Council

Advise they have no objections or comments to make.

Doncaster Council

No response/comments received at the time of compiling this report.

Barnsley Council

No objections.

West Yorkshire Fire and Rescue

No response/comments received at the time of compiling this report.

Pontefract Civic Society

No response/comments received at the time of compiling this report.

National Grid

No response/comments received at the time of compiling this report.

Northern Gas Network

No objections. Advice provided.

Northern Power Grid

No objections. Advice provided.

Public Health England

No response/comments received at the time of compiling this report.

Internal consultees

WMDC Conservation Officer

No objections.

WMDC Drainage (Lead Local Flood Authority)

Following the submission of additional information, no objections are raised subject to the imposition of planning conditions.

WMDC Land Quality Officer

No objections to the proposed development subject to the imposition of recommended planning conditions.

WMDC Minerals Officer

No response/comments received at the time of compiling this report.

WMDC Highways Development Control

Initially raised a number of issues. Following the submission of revised and additional information, HDC confirm there are no objections to the development proceeding subject to the imposition of planning conditions and the completion of the section 106 legal agreement.

WMDC Police Architectural Liaison Officer

No objections to the proposed development. Advice provided.

WMDC Arboricultural Officer

Following the submission of additional information, no objections are raised subject to the imposition of planning conditions.

WMDC Environmental Health

No objections to the proposed development subject to the imposition of recommended planning conditions.

WMDC Air Quality Officer

No objections to the proposed development subject to securing mitigation.

WMDC Spatial Policy

Outline the relevant planning guidance and policies against which the scheme should be assessed. Spatial Policy advise that the proposed development is contrary to several elements and policies within the Council's adopted Local Plan but these negative aspects of the development have to be weighed against the 'very special circumstances' put forward by the applicant in favour of the development.

WMDC Regeneration/Major Projects

Advise as follows:

We are supportive of investment into Castleford Tigers and the positive contribution that sport can have on the physical well-being and mental health of the community. We understand and appreciate that the proposed upgrades to the stadium will help to support the long-term operational needs of the club as a modern and functional sports facility.

However, we are also mindful that the site which is subject of the hybrid planning application is located within the Green Belt. There are a series of local and national policies that will need to be addressed through the planning process. It will be for the Local Planning Authority to determine and assess these matters. The Green Belt performs a much needed function in delineating Castleford and Pontefract as part of a wider and distinctive polycentric '5 towns' settlement pattern.

There is also considerable congestion on this part of the highway network and additional vehicle movements will add to this issue which affects the surrounding area. This is in contradiction to the Council's ambition to tackling climate change.

The principle of creating jobs and investment in the District is positive, but the precise socio-economic benefits of the proposed development during the operational phase will depend upon the type of businesses which ultimately occupy the units, including their recruitment strategy, the profile of the jobs to be created and the operator's skills and training programmes. These factors will also need to be considered. At present much of the units in the M62 corridor provide low-skilled and low- paid job opportunities which is contributing to the growing problem of in-work poverty. . . We welcome the opportunities this development

would bring to provide employment for local residents. The planning request continues to encourage logistics and distribution operators to the District which can often provide low paid and low skilled jobs which aren't always sustainable.

Thinking about the long term prospects for our residents and skill levels across our District, our specialist teams within Economic Growth would offer to work with any occupier to prepare and deliver an Employment and Skills Plan to set out how they will provide sustainable long term roles which offer staff stable employment.

WMDC Public Rights of Way

No objections to the principle of the development. Advice given and planning conditions recommended.

WMDC Parks and Public Realm

No objections to the proposed development. Comments as follows: *The proposed layout of the Public Open Space provides a positive opportunity for visitors and local residents alike. . . The Access arrangements provide good connectivity with the surrounding area and network of paths and surrounding areas which could be enhanced though the BNG S106 contribution. . . All access points need to be assessed to ensure suitable access for users to avoid any unnecessary restrictions on usage.*

WMDC Countryside Service

No response/comments received at the time of compiling this report.

WMDC Culture and Sport

No response/comments received at the time of compiling this report.

WMDC Public Health Officer

No objections, subject to a comprehensive health impact assessment being submitted at the reserved matters stage.

Wakefield District Badger Group

No response/comments received at the time of compiling this report.

WMDC Waste Services

No response/comments received at the time of compiling this report.

WMDC Building Control

No response/comments received at the time of compiling this report.

SECTION 7 - KEY DETERMINING ISSUES

- **Principle of the development and key considerations**
- Spatial strategy and location of the development
- Land use allocation / Green Belt
- Castleford Tigers Stadium improvements
- Viability issues and construction costs
- Assessment of alternatives
- **Environmental Impact Assessment and Technical considerations**
- Socio-economic impacts
- Landscape and visual impacts

- Ecology, biodiversity and protected species
- Traffic and Transport (including means of access, highway capacity, safety and transport issues)
- Air quality
- Amenity issues
- Ground conditions
- Flood risk and drainage
- Sustainability and climate change
- Safety and security
- Cultural heritage and archaeology

- **Other material planning considerations**

- Utilities
- Loss of agricultural land
- Waste
- Consideration of representations received

- **'Very Special Circumstances' and Planning Balance**

SECTION 8 - ASSESSMENT

SECTION 8.1 - BACKGROUND AND INTRODUCTION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraphs 2 and 47 of the NPPF.

Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and defines this as the balance of economic, social and environmental elements. Paragraph 10 states that at its heart is a presumption in favour of sustainable development. For decision making this means that development proposals that accord with the Development Plan should be approved without delay, but where the Development Plan is absent, silent or relevant policies are out of date, LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies within the NPPF indicate that development should be restricted. Nevertheless, paragraph 11 of the NPPF includes a caveat (NPPF footnote 7) which states that the presumption in favour of sustainable development does not apply where specific policies in the Local Plan require that development should be restricted, which includes development within Green Belt. As the application site is allocated within the Green Belt the presumption in favour of sustainable development does not apply in this instance.

Policy in the NPPF is generally reflected in policy SP2 of the Council's adopted Local Plan. The Council considers its local plan to be up-to-date based on the established settlement hierarchy for the district, and the issues and spatial vision for the district. It is considered that the Local Plan is in accordance with national planning policy and has recently been found sound at examination in public and met all relevant soundness and legal compliance tests. For these reasons the development plan must be afforded full weight, in accordance with the NPPF, in determining this application.

Chapter 4 of the NPPF relates to decision taking. Paragraph 38 states that local planning authorities should approach decisions on proposed developments in a positive and creative way. A full range of planning tools and proactive work with applicants should be used to secure developments that will improve the economic, social and environmental conditions of the area. The NPPF encourages pre-application engagement and front loading (paragraphs 39 – 46), and outlines procedures for determining applications (paragraphs 47 – 58). Officers are satisfied that the applicant has undertaken appropriate pre-application publicity and engagement, and that all parties have appropriately collaborated during the application process.

Officers are satisfied that following the approval of the various outline, reserved matters, discharge of condition and certificate of existing lawful development applications detailed in section 3 of this report, the site has an extant planning permission for a development comprising a retail park, sports stadium, country park and associated development. The development has been lawfully implemented (trenches were dug and a certificate of lawful development issued) and that works could continue at any time. This is a material planning consideration in the assessment of the current application.

Notwithstanding the above, due to changes in the retail market over the intervening years, the consented development is unlikely to be progressed further in the short / medium term, or even at all; therefore, the new community stadium for Castleford Tigers is unlikely to be constructed at the Axiom site. As a result, the current proposal seeks to develop the Axiom site with an employment-led development and provide cross funding of £12.2m which would be used towards the upgrade works at Castleford Tigers existing ground at Wheldon Road which are being considered separately under the Castleford Tigers Stadium improvements application (ref. 22/02474/FUL). The proposed development would therefore be enabling development which means allowing development to take place that would not normally be granted permission to enable the delivery of a development which provides significant public benefit.

This is similar to the approach taken with the development of a site ('Plot 8') at Newmarket and works to upgrade Wakefield Trinity's Belle Vue ground (planning applications 20/02249/FUL and 20/02587/FUL approved in March 2020). In brief, the Plot 8 site (within designated Green Belt) had an extant planning consent for a new sports stadium; however, the proposals sought to develop the site for warehousing with an excess developer profit (c £8.8m) being used to cross-fund works to upgrade Wakefield Trinity's existing stadium at Belle Vue. The funding was secured via a section 106 legal agreement and following both planning applications being approved works to implement both schemes have commenced and are ongoing.

Notwithstanding the above, it is imperative that officers and Members of the Committee consider the current proposal and the Castleford Tigers Stadium improvements application on their individual merits and the Newmarket / Wakefield Trinity applications do not set a precedent which has to be automatically followed. Given the scale and nature of the scheme there are a number of planning issues which have to be carefully assessed and weighed in the planning balance. Each of the issues/material planning considerations pertaining to this application are discussed in further detail below. The report concludes with a planning balancing exercising which outlines those factors which weigh for, against and neutrally in the overall planning balance.

Members are advised that in the following assessment officers have used the following weighting when appraising the factors which weight either positively or negatively in the planning balance:

- No weight

- Limited weight
- Moderate weight
- Significant weight
- Substantial weight
- Very substantial weight

SECTION 8.2 - PRINCIPLE OF THE DEVELOPMENT AND KEY CONSIDERATIONS

SECTION 8.2.1 - SPATIAL STRATEGY AND LOCATION OF DEVELOPMENT

Volume 1 of the Council's adopted Local Plan outlines the overall vision, objectives and strategy for development in Wakefield District for the period to 2036, and outlines 'spatial objectives' focussing upon achieving sustainable development (economic, social and environmental). Policy SP2 outlines the settlement hierarchy for the district and broadly identifies where and how development should be brought forward. Castleford is identified as a 'Principal Town' in the settlement hierarchy, on a par with neighbouring Pontefract, second only in the hierarchy to Wakefield City Centre itself.

To ensure development is brought forward in accordance with the spatial vision, objectives and strategy, a series of policies are provided. Policy SP3 is an overarching policy which seeks to direct all new development to locations where it would accord with the established settlement hierarchy, in order to achieve sustainable development. Sub-sections (a) and (b) of policy SP3 outline that most new development, should take place in urban areas to take advantage of existing services and high levels of accessibility. Sub section (f) states that within the Green Belt, development will conform to Local Plan and national policies relating to the Green Belt.

The applicant contends that the proposed development does not undermine this policy as they consider that there is a need for the type and quantum of employment development to be located within Castleford and that this is the only site capable of accommodating it. However, the majority of the application site is located outside of an identified urban area and is within the district's designated Green Belt. The proposed employment-led development of the site therefore conflicts in principle with aims of policy SP3; however, officers acknowledge that the policy requires 'most' (not all) development to be located within urban areas and therefore there can be material planning considerations which can outweigh this policy conflict in the overall planning balance.

Green Belt issues are assessed in detail in the following section of this report; however, in principle it is considered that the proposal is contrary to policy SP3 of the Council's adopted Local Plan and this weighs against the proposal.

Section 11 of the NPPF 'Making effective use of land' states that planning policies and decisions should promote an effective use of land including making as much use as possible of previously developed or brownfield land (paragraph 123) and by giving "substantial weight" to the value of using suitable brownfield land within settlements for homes and other identified needs, and supporting opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (NPPF paragraph 124(c)). The majority of the application site does not comprise brownfield land; albeit some land within the red line application site includes the existing public highway and a small area of hardstanding in the south-west corner. Officers therefore consider that there are no brownfield regeneration benefits arising from this proposal which can be given positive weight in the overall planning balance.

The applicant also considers that despite the site not having been chosen to be designated as an Employment Site in the Council's Local Plan to 2036, it is suitable for employment development and that significant benefits would accrue from developing it for these purposes. This matter and the socio-economic benefits of the proposal are assessed later in this report.

SECTION 8.2.2 - LAND USE ALLOCATION / GREEN BELT

The whole of the application site is designated within the Green Belt with the exception of the parts of the application site comprising the existing motorway junction and the adjoining public highway network. Within the Green Belt, the proposed development comprises significant engineering works across the site to create the development platform. The parameter plans, together with the indicative site layout plans, show the extent of the proposed new buildings and their associated parking / access yards, and the site-wide highway infrastructure. In the following assessment all of the scheme (as a whole) is considered against Green Belt policy.

Objector concerns relating to Green Belt impacts have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

Policy and approach to assessment

Chapter 13 ('Protecting Green Belt Land') of the NPPF is relevant and in particular the following paragraphs:

- Paragraph 142 emphasises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
- Paragraph 143 specifies the five purposes of including land within Green Belt which are: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- Paragraph 150 states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- Paragraph 153 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 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.
- Paragraph 154 states that the construction of new buildings within the Green Belt is inappropriate, except in the circumstances listed within that paragraph.

- Paragraph 155 states that certain other forms of development are also not inappropriate within 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: mineral extraction; engineering operations; local transport infrastructure which can demonstrate a requirement for a Green Belt location; the re-use of buildings provided that the buildings are of permanent and substantial construction; and development brought forward under a Community Right to Build Order.

Local Plan policy SP3 is relevant which, as stated in the previous section of this report, outlines that within the Green Belt, development will conform to Local Plan and national policies relating to the Green Belt. Policy SP22 relates to the Green Belt but is primarily a plan-making policy. Nevertheless, due regard should be given to the supporting text which states: *Development in the Green Belt will be assessed against the National Planning Policy Framework and local policies set out in the Local Plan for limited infilling and extensions to settlements and buildings within it.*

Local Plan policy LP62 relates to existing uses in the Green Belt; however, as this site has not been previously developed (with the exception of the area of hardstanding in the south-west corner), this policy is considered to not be directly relevant in this instance.

Assessing the acceptability of development proposals within the Green Belt is a 5- stage process whereby the first stage is to determine whether or not the development constitutes 'inappropriate development' within the Green Belt. The second stage (where it is found that the development is inappropriate) is to assess the scope and magnitude of Green Belt harm associated with the development. The third stage is to assess the scope and magnitude of 'other harm' associated with the development (including any adverse environmental impacts which do not meet relevant policy tests). The fourth stage is to assess the scope and magnitude of other considerations including any potential public benefits of the development scheme. The fifth stage is to carry out a balancing exercise whereby the accumulated harm is weighed against the other considerations in order to conclude whether the totality of the harm is clearly outweighed by other considerations (giving at least substantial weight to the harm to the Green Belt as required by the NPPF). If this test is satisfied, then "very special circumstances" will exist. The first two stages of this process are covered in this section of the report with the final three stages covered in the overall planning balance at the conclusion of this report, which follows the sections of the report which assess the development's environmental effects and thereby identify the 'other harm' associated with the development for consideration in the very special circumstances assessment.

Test of appropriateness

The first step in assessing a planning application proposing development within the Green Belt is to determine whether the development described in the application is, or is not, inappropriate development.

Paragraphs 154 and 155 of the NPPF set out two closed lists of exceptions to the general policy of Green Belt development restraint. Paragraph 154 relates to the construction of new buildings and paragraph 155 relates to other forms of development, including engineering operations and the material change of use of land. The lists set out at both paragraphs 154 and 155 have been reviewed and it is concluded that the proposed development, which is for extensive new development on a greenfield site within the Green Belt, is not included within any of the descriptions of development listed within either paragraph. The development is therefore inappropriate development within the Green Belt.

From the outset it is clear that the applicant accepts that the scheme taken as a whole constitutes inappropriate development within the Green Belt. Indeed, it is stated within the

supporting PS: “*The construction of new buildings in the Green Belt should be regarded as inappropriate save for seven specified exceptions . . . The proposed development does not meet any of these exceptions and therefore is classed as inappropriate development in the Green Belt . . .*” (PS paras 10.5 and 10.6)

It is considered that the proposal would constitute inappropriate development in the Green Belt which is harmful by reason of inappropriateness; therefore, in accordance with the requirements of the NPPF, substantial weight is attributed to this harm.

Green Belt purposes and impact upon openness

Within paragraphs 10.7 – 10.9 of the PS (summarising the findings of the ‘Landscape & Visual Overview of Green Belt Circumstances’ document contained within the ES) the applicant contends that the site performs a ‘less important role’ than the Council have concluded in its Green Belt Assessment which supports the now adopted Local Plan. It is stated that the development of the site will provide a ‘rounding off’ of the settlement, will still retain a gap between settlements, and will provide public recreational access in an area where currently none exists. The site topography, the proposed landscaping, and external factors such as the motorway and surrounding built form, all lessen the impact of the development upon the Green Belt’s function of maintaining the gap between settlements. Notwithstanding the above arguments, the applicant ultimately concludes that ‘*the proposed development will result in significant harm to the Green Belt. Substantial weight is attached to this harm which weighs against any approval of the subject planning application*’ (PS para 10.10).

The Council’s Spatial Policy Team have appraised the application and the applicant’s position and provide the following advice:

Paragraph 149 in the NPPF states the construction of new buildings are inappropriate development in the Green Belt. Paragraphs 149 and 150 set out forms of development not inappropriate in the Green Belt. This proposal is not captured by any of the types of development set out in these paragraphs.

This proposal is therefore contrary to the development plan and national planning policy unless ‘very special circumstances’ can be demonstrated to exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. It is noted the applicant has referred to several recent called in planning appeal decisions made by the Secretary of State¹.

None of these are directly relevant to the current situation that prevails in Wakefield at this time. All four of the decisions regarded sites in the north-west that were proposed for allocation in emerging plans that had either stalled or were not at an advanced stage at the time the decisions were published, namely the Greater Manchester Spatial Strategy and the St. Helens Borough Local Plan 2020-2035. It is noted that the evidence base associated with these plans was considered to be material by the Secretary of State and in the St. Helens applications was given significant weight.

The situation in Wakefield is markedly different. The Wakefield District Local Plan (WDLP) is at an advanced stage of examination...The meeting of the evidenced need for employment land over the WDLP plan period for 2017/18 to 2035/36 is a key strategic objective of the plan. The plan, subject to the Inspectors final report, will make allocations that meet the identified need over the plan period. National policy is

¹ Appeal references: APP/N4205/V/20/3253244, APP/V4250/V/20/3253242, APP/H4315/V/20/3253194, APP/H4315/V/20/3265899

clear that the planning system is plan-led, and this application cannot be determined without addressing the weight that should be given to the emerging WDLP and its evidence base in any consideration of if very special circumstances exist with regard to employment land need over the emerging plan period.

The Council's Green Belt Assessment Methodology and Findings (October 2020) (document 1.59 on the Local Plan Evidence webpage) is a key document which forms part of the WDLP evidence base, and has been updated by a number of additional evidence documents produced as the Local Plan Examination has progressed. The document sets out the methodology for and summary of the assessment of parcels and sites on Green Belt land across the district. The Inspector requested the testing of an amended approach to Green Belt purpose 4 and the Council have accepted this approach. Various site boundaries based on the Axiom site have been assessed as the plan was prepared and during the examination, but not the exact boundary of this planning application however the findings of these assessments are still relevant. The updated documents are referred to below.

The applicant's site, together with the land to the north, form the whole of the Castleford Glasshoughton parcel, and therefore are more appropriate in this instance to refer to. Using the amended approach to Green Belt purpose 4, the summary of the Green Belt assessment for this parcel is set out in the note Sensitivity Testing of Green Belt Purpose 4 (EX.WDC05, document 2.14). Overall, this parcel scores strongly against Green Belt purposes and assessment criteria. The essential strategic gap the site lies within plays an important role in preventing the coalescence of Pontefract and Castleford. It should be noted if this proposal was approved, the land to the north of the site would be surrounded by development and no longer serve a Green Belt purpose. Paragraph 3.31 of the Green Belt Assessment Methodology (document 1.59) states, in relation to the site selection process for the Local Plan: 'Stage 1 of the Assessment identifies those areas which are essential strategic gaps between settlements and where the most sensitive tracts of Green Belt are. It is recommended that urban extension within these parcels is rejected, unless the development cannot be located elsewhere, the proposal is the most sustainable option, and appropriate compensatory mitigation measures can be provided'.

The applicant has submitted a Planning Statement in which they accept the proposal is inappropriate development in Green Belt policy terms and that very special circumstances will need to be demonstrated. The statement sets out what they consider the very special circumstances are with regards to this scheme.

Spatial policy notes that the applicant considers the funding that it wishes to provide to enable redevelopment to occur at the Castleford Tigers stadium on Wheldon Road amounts to a very special circumstance. It will be for the decision taker to apportion any due weight to this consideration when assessing if very special circumstances have been demonstrated.

Officers acknowledge that the applicant makes a number of factually correct statements relating to the impact of the development on the Green Belt and accept that issues such as the topography of the site, existing highways and other built development in the locality, the built up nature of the surrounding environs and the proposed on-site landscaping would assist, to some extent, in minimising the overall impact upon landscape character (assessed subsequently in this report); however, it is re-iterated that paragraph 143 of the NPPF affirms that the five purposes of Green Belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The amount and type of development proposed at the site would result in significant sprawl of the built-up area and would significantly contribute to the settlements of Castleford and Pontefract merging into one another. Officers agree with the advice given by the Council's Spatial Policy Team that this site forms a strategic and important area of Green Belt which has a fundamental role in preventing the coalescence of the two principal towns of Castleford and Pontefract. It is therefore considered that the proposal fundamentally conflicts with bullet points 1 and 2 of NPPF para 143.

All parties agree that the proposal would be contrary to bullet point three and would result in encroachment of the countryside. All parties also accept that in this instance the proposal would not undermine bullet point four as the proposal would not harm the setting or special character of a historic town (a detailed assessment of impacts upon heritage assets is made later in this report).

In terms of bullet point five, whilst the type of built development which is proposed is the type of development which Green Belt policy seeks to encourage being located within urban areas and/or on brownfield sites, officers consider that there is no evidence to demonstrate that derelict sites within the urban area would not be brought forward as a direct result of this application proceeding. Officers therefore consider that the proposal would not undermine this aim.

For the reasons detailed above, it is considered that the proposal would be contrary to three of the five aims of including land within the Green Belt as set out in the NPPF.

To re-iterate, paragraph 142 of the NPPF is clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Openness has a visual as well as spatial dimension.

The application site comprises a large greenfield area of Green Belt land, with a rural character and former agricultural land use, which incorporates no significant features or built forms which interfere with the Green Belt's openness with the exception of the electricity pylons which cross the site. The development scheme would fundamentally and permanently change this through the land profiling works, the scale of the proposed buildings and their associated, expansive hard standings to be used for access, parking and servicing by both HGVs and cars.

It is accepted that the applicant has designed the scheme (as shown on the indicative submitted plans) to reduce the impact upon openness as far as possible by consolidating the built elements of the development, incorporating significant landscaping and public open space around and within the site, and by proposing to utilise and manipulate the existing topography of the land. Nevertheless, by virtue of the significant scale and nature of the development which is proposed, the impact upon openness, both spatially and visually, would be adverse upon this specific part of the Green Belt. Furthermore, in accepting that the site does form part of an important strategic gap between the built urban areas of Castleford and Pontefract, and as the development would result in further sprawl and encroachment into the countryside, the adverse impacts to openness (both visually and spatially) are considered to be substantial with a high magnitude of harm.

In accordance with the requirements of the NPPF, officers consider that substantial weight should be attributed to this harm.

Very special circumstances

In accepting that the proposal conflicts with the purposes of the Green Belt designation, constitutes inappropriate development within the Green Belt, that there will be harm to the openness of the Green Belt (both visually and spatially) and that there will be other, 'non-Green Belt' harm (which will be assessed in detail later in this report), the applicant outlines the factors which they consider should weigh very substantially in favour of the development. The applicant considers that taken together the benefits clearly outweigh the identified harm and therefore 'very special circumstances' exist. The factors put forward by the applicant as weighing positively in the planning balance are outlined in full within section 10 of the supporting Planning Statement and are considered further in this report at section 8.5.

Green belt conclusions

Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 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.

For the reasons detailed within this section, it is concluded that the proposed development would constitute inappropriate development within the Green Belt and is therefore harmful by reason of inappropriateness. Furthermore, whilst careful consideration has been given to the arguments made by the applicant about the impacts of the development upon the Green Belt, officers consider that the proposal would be contrary to three of the five reasons for including land within the Green Belt, namely: to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns from merging into one another, and to assist in safeguarding the countryside from encroachment. In addition, whilst it is acknowledged that the inclusion of the public open space within the south-east part of the site, would maintain an element of openness within that part of the site, it is considered that the scheme as a whole would have a significant, detrimental impact upon the openness of the Green Belt (both spatially and visually). It is considered that substantial weight should be given to the totality of the identified Green Belt harm.

The applicant has put forward a number of factors which they consider should be afforded very substantial weight in favour of the development. The applicant contends that taken cumulatively those factors clearly outweigh the harm and therefore "very special circumstances" exist. Each of the factors put forward by the applicant will be assessed in greater detail in subsequent sections of this report and conclusions regarding the weight to be afforded to them will be set out in the final balancing exercise at the end of this report.

SECTION 8.2.3 – CASTLEFORD TIGERS STADIUM IMPROVEMENTS

A significant material planning consideration in the assessment of this application is the proposed wider benefits which would accrue through the scheme providing cross-funding towards the improvement of Castleford Tigers existing rugby league stadium (and site) at Wheldon Road. This application is therefore presented to members concurrently with the **Castleford Tigers Stadium improvements application**.

To support both planning applications a document entitled '**Castleford Tigers Need Statement Wheldon Road Re-development**' (dated November 2022) has been submitted which provides a comprehensive overview of the club, its wider community activities, its current financial position, the immediate need for major upgrades to Wheldon Road and the wide-ranging benefits which would flow from these upgrades. A Socio-Economics Benefits Statement (dated October 2022) has also been submitted which includes further reference to

the Stadium upgrades within section 5, and relevant commentary is also provided within the supporting Planning Statement. Members are strongly advised to review all of these documents given that a key issue in the determination of this planning application is the amount of weight attributed by the decision maker to the wider benefits that accrue through the scheme providing cross-funding towards the improvement of Castleford Tigers existing rugby league stadium (and site) at Wheldon Road.

The documents provide wide-ranging information about the history of the Club and its role within the community through the Castleford Tigers foundation, the current facilities, the difficulties in both developing a new stadium elsewhere and upgrading the existing stadium at Wheldon Road.

Summarised, the **Castleford Tigers Need Statement Wheldon Road states:**

- *Castleford Tigers are about more than Rugby League. Although the club's achievements on the pitch are of fundamental importance to the local community, they are just the tip of the iceberg in terms of the positive effects the club and the crucial work of the Foundation has on the local community.*
- *The club is a source of pride to Castleford and the Five Towns putting the area on the map across the world and being a beacon of light and success in an area that has struggled with the effects of its industrial decline. The club fosters a sense of identity and character for the local area in having a club competing at the top level of Rugby League.*
- *Castleford Tigers are a community club and Wheldon Road a Community Stadium.*
- *Wheldon Road Community Stadium no longer provides facilities that are fit for purpose and this is holding back the club's achievements on and off the pitch. The stadium does not meet current Super League standards and there is a real risk the club may be prevented from competing in the league in the future, particularly given the potential changes to the structure of Rugby League. It is imperative that the Club's off-field facilities are approved to give the best chance of securing Category A status as without this, the sustainable future of the club is at serious risk.*
- *The Foundation want to expand the range and number of community activities they deliver and the team want to expand their revenue and make it more consistent to ensure the future financial sustainability of the club.*
- *Wheldon Road is the historic and spiritual home of the club but is simply not fit for purpose for a modern professional sports team and an effective and transformational community foundation . . . Without major upgrades to the stadium, the long term sustainability of the club and the myriad of benefits cannot be guaranteed. This would be catastrophic for the town and its residents.*

The documents conclude:

- Now that Wakefield Trinity have secured upgrades to Belle Vue, Castleford Tigers are the only club in the Super League not to have delivered either a new stadium or significantly upgraded new stadium since the introduction of stadium standards in the 1990s.
- A fully cross funded major upgrade to Wheldon Road represents the only practical means of delivering the improvements the club requires. An improved Wheldon Road

will not only secure the long-term future of Castleford Tigers, but will create jobs, offer immeasurable community benefits through facilitating the expansion of the Foundation and improve civic pride in Castleford and the wider Five Towns

- The Club currently fail to meet the required standards in thirteen areas. Following the delivery of the major upgrades, Wheldon Road will comply with all of these standards. The proposed upgrades would increase the grading from category 'B' to 'A' which is important as without an 'A' grading the club will not be immune from relegation whilst most of their main competitors will be. If the club were relegated and spent multiple seasons outside the Super League, there would be a real risk that it would not be able to continue as a fully professional sports club as the share of the TV rights deal would be lost and attendances reduced, particularly from away fans. The local pride along with the national and global prestige and publicity that comes with a professional rugby league team is a key part of the heritage and identity of Castleford.
- The Castleford Tigers Foundation undertakes a significant range of activities but their expansion and activities are held back by poor facilities at Wheldon Road. The expansion of these activities will help to contribute to the additional £19.6m per year of social value to the local area as quantified in the Socio-economic Statement.

The Planning Statement concludes:

Whilst there can never be complete certainty that the Axiom development will be delivered and the subsequent improvements to Wheldon Road secured, the need for these improvements is overwhelming and there is currently no other option for the club on the table. The club do not have the financial resources to fund improvements themselves and the £2m from the Council's Rugby League Resilience Fund would be insufficient to satisfy more than 2-3 of the areas in which Wheldon Road fails to meet the standards. To achieve the upgrades required therefore, the club need some form of cross-funding from an enabling development. The Axiom site is the only one with a real and direct link to Wheldon Road and therefore offers the only opportunity to deliver the improvements required. There is quite simply no other opportunity now or in the foreseeable future to deliver the improvements needed (PS para 10.28).

The application doesn't impact sporting facilities or playing fields at the application site; however, given the cross funding is to be used for the improvement of sporting facilities off-site, Sport England (SE) have been consulted. SE confirm that they have no objections to the proposal and also confirm that as part of their assessment they sought comments from the Rugby Football League (RFL) who act as Sport England's technical advisors in respect of their sport and their sport facilities. The RFL are "very supportive" of the development proposals at Wheldon Road and advise that "the proposed development will contribute to these improvements".

The applicant's supporting documentation and the comments of SE and the RFL are noted.

The applicant's justification for the need for upgrades to Castleford Tigers Stadium is accepted. There is no doubt that the club is synonymous with the Town and its identity. It is also accepted that Castleford as a place is largely defined by its rugby team and the proposed stadium and facilities which form part of this application would play a significant role in enhancing the perception of the area and its profile. It is also accepted that the proposal would provide an improved visitor experience for both home and away fans visiting the stadium. The extent to which the proposal would facilitate overall community cohesion cannot be quantified precisely, but it is highly likely that the proposal would engender greater local pride by the local community towards the asset which would have a regional and, in the

case of the community stadium, a national profile. This is reflected to some extent in the representations received in support of the application.

The work of the Castleford Tigers Foundation is acknowledged, which officers consider provide a range of socio-economic and health benefits to users and the local community. Officers also consider that the enhancement and long-term sustainability of this work relates to the pillars of sustainable development set out in the NPPF.

It is also clear that the Club has been looking to improve their facilities by moving to a new ground for some time. Despite there being an extant consent for a new community sports stadium at Whistler Drive, Glasshoughton following the approval of planning permission in 2010 to its expiration in 2022 (submitted under application 06/02516/OUT and renewed in 2013 under application 13/01486/RPP) the Club was not able to finance the development. More recently, the retail-led 'Axiom' development which included the construction of a new community stadium for use by Castleford Tigers (approved planning permission in 2015 and remains extant) has not come forward beyond works to implement the permission, and there is little prospect that it will.

Officers therefore accept that there are funding difficulties prohibiting the Club from either constructing a new sports stadium or undertaking the significant scale of upgrade works that are required to provide the category 'A' status facilities required by the RFL for Super League status. Whilst this application is not about securing Super League status for the Club (that cannot be guaranteed in any event) the works that are proposed would assist in securing the long-term sustainability of the Club for the Town.

Overall, the provision of the cross-funding to facilitate the stadium upgrades for Castleford Tigers would accrue very substantial benefits for the Club and its fans. Due to the role the Club has within the community of Castleford the benefits expounded in relation to job creation, civic pride, community facility improvements and perception are all accepted, and officers consider that they should be afforded very substantial weight in favour of the Axiom development proceeding in the overall planning balance.

SECTION 8.2.4 – VIABILITY ISSUES AND CONSTRUCTION COSTS

As discussed within other sections of this report, the proposal would have a number of adverse impacts which weigh against the development in the overall planning balance. The identified harm to the Green Belt arises from both the fact that it is inappropriate development by definition and also from the physical harm arising as a result of the quantum and scale of the proposed built development. The applicant submits that the quantum of development which has been proposed is the minimum that is required in order to enable the development to come forward and for the provision of the financial contribution (of £12.2m) to be realised, which would be used to fund the upgrade work to Castleford Tigers existing sports stadium at Wheldon Road. The applicant's supporting ES states:

- *In relation to the Proposed Development it should be noted that a fundamental part of the overall proposal is the provision of a financial contribution provided by the proposed employment development to improve the existing Castleford Tigers' Wheldon Road stadium. The delivery of this financial contribution links back to the Site's extant planning consent which proposed the delivery of a new stadium on the Site. Although a new stadium is no longer viable, a financial contribution is proposed in order for the club to meet Super League standards and to provide the club with long term financial sustainability (ES para 4.4.5).*
- *As such, the Proposed Development is the minimum amount of development necessary to provide the contribution required to deliver the improvements at*

Wheldon Road. A viability appraisal has been undertaken which demonstrates that the proposed financial contribution is deliverable, and that the development is the minimum necessary to deliver that contribution. Therefore, although the previous permission proposed a new stadium on the Site, this is no longer viable in current market conditions and as such, a financial contribution is proposed which also maintains the Applicant's commitment to the club (ES para 4.4.6).

In order to determine whether the proposed quantum of development providing the cross funding or 'enabling development' is necessary, the Council commissioned an independent viability assessment of the scheme, which was undertaken by Cushman & Wakefield (hereafter referred to as "the Council's viability advisors").

The Council's viability advisors were tasked with reviewing the viability documentation provided by the applicant to determine whether the methodologies used and conclusions drawn could be supported, in order to assist officers to determine: (i) whether the amount (quantum) of development proposed at the Axiom site is the minimum required in order to provide the £12.2m of funding to be used to upgrade the Wheldon Road Stadium, (ii) whether the £12.2m funding (together with £2m funding from the Council's rugby resilience fund which has already been provided to the Club) is sufficient to facilitate the upgrade works to the Wheldon Road Stadium.

Following review of the applicant's viability assessment and having undertaken their own analysis/assessment, the Council's viability advisors offer the following advice:

- The methodology applied by the applicant appears robust and in line with National Planning Practice Guidance, and the majority of the development appraisal assumptions that have been applied are accepted.
- In the Council's viability advisors' appraisal an alternative position was taken relating to some of the assumptions including: rental assumptions for larger units, some yield assumptions, some of the enabling costs, inflation, marketing cost allowances, and finance rates.
- There is a reasonable prospect of the scheme achieving viability, although it is unlikely that the scheme will exceed the minimum profit benchmark nor be able to increase the level of developer contribution being made. The main difference of position between the applicant's viability assessment and the Council's relate to investment value of the asset which is judged to have weakened since the applicant's assessment was produced. However, the Council's viability advisors have also underlined the potential volatility of investment yields and thus sensitivity of the overall results to small variations.
- In the light of this, it is considered unlikely that the developer would be prepared to increase the contribution offered, nor would the Council be justified if it sought a larger contribution from the scheme. This is however subject to changes in market conditions and the Council's viability advisor has recommended that appropriate review arrangements be put in place to address and capture a share of any surpluses that would result in an improvement in market conditions.
- The scale of the enabling development should be no more than that which is needed to meet the cost deficit in the benefitting project. As a large proportion of scheme development costs are site opening infrastructure works, it is reasonable to assume that reducing the quantity of development would likely reduce viability, since such works are likely to be relatively fixed in unlocking the development site, and thus a smaller development would be burdened by a disproportionately larger financial sum in respect of infrastructure works in relative terms, which would impinge profitability

and viability further. However, it has not been possible to test definitively whether smaller scheme variants could change that position as there is insufficient design information or disaggregation of costs to model and test smaller scheme scenarios.

- The costs of the works to be undertaken to upgrade the Wheldon Road Stadium are broadly accepted. This demonstrates that the quantum of development proposed is required as a minimum in order to meet the shortfall associated with the construction costs at the existing Wheldon Road Stadium (with the Council's Rugby League Resilience Fund contributing the balance). It should be noted that no assessment of the value of the stadium has been conducted to determine the potential scope for a financial contribution from the stadium as a business operation to contribute to these costs – given the ongoing operational subsidy requirements it has been assumed that no such financial contribution could be made.

The Council's viability advisors conclude by advising that should the Council be minded to approve the Axiom planning application, in order to provide certainty over the payment of the contributory funding, the full amount should be paid up front before any development commences on site. This would negate the risk of the Axiom development proceeding without the contributory finance having been paid in full.

The independent advice and analysis undertaken by the Council's viability advisors are noted. On the basis of the advice and conclusions set out above, officers are satisfied that the construction costs of the works to upgrade the Wheldon Road Stadium are accurate and that it is reasonable to conclude that the amount of development proposed at the Axiom site is likely the minimum that is required to enable the Axiom development to be brought forward, which in turn would provide the financial contribution to be made to facilitate the upgrade works to the Wheldon Road Stadium (bringing some of the wider benefits discussed later in this report). Officers are also satisfied that there are no other realistic funding sources that could be used to provide the level of cross-funding that is required in order to bring forward the upgrade works to the Wheldon Road Stadium.

The financial contribution could be secured through a section 106 legal agreement and officers agree with the Council's viability advisors that, if Members are minded to approve planning permission for the development, the full amount should be paid by the developer before any works to implement the development at the Axiom site commence.

The applicant accepts that position and the trigger for the payment on that basis, is set out within the draft Heads of Terms of the section 106 legal agreement (see section 8.4.5 of this report).

SECTION 8.2.5 – ASSESSMENT OF ALTERNATIVES

The EIA Regulations 2017 (as amended) require for inclusion in an ES “*A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects*” (Schedule 4, paragraph 2).

Officers consider that the scheme in this case is the proposed employment development being considered under this application.

Section 4 of the ES contains an assessment of alternatives (see paragraphs 4.4.1 – 4.4.14) which focus on

- The 'no development' alternative;

- Alternative locations and land uses; and
- Alternative designs

Summarised, the 'no development' scenario is discounted on the basis that without the employment development being considered under this application, the wider benefits which would accrue (including, in part, the long-term sustainability of Castleford Tigers Rugby League Club) could not be delivered.

Summarised, the alternative location scenario is discounted on the fundamental basis that no other site has an implemented planning permission for the construction of a new sports stadium designed for Castleford Tigers Rugby League Club; therefore, no other site could provide the necessary link between the financial contribution and the wider benefits to the rugby club.

Summarised, the alternative designs scenario has been discounted on the basis that the amount of floor space proposed is the minimum required to enable to the financial contribution to be made towards the upgrade of the rugby stadium at Wheldon Road and that the indicative layout is the one which has been designed to accommodate site constraints whilst have the least impact upon adjoining receptors including the closest residential properties (assessed separately in this report).

The reasons for the three above options being discounted are accepted by officers. The proposal site is the only site with the benefit of an implemented and extant planning permission for the construction of a new sports stadium designed for Castleford Tigers Rugby League Club. This is fundamental to the argument that the benefits of facilitating the delivery of the improvements to the existing sports stadium at Wheldon Road are relevant to the current Axiom planning application. Consequently, it is accepted by officers that the same composite development scheme (which proposes new employment development for the purpose of cross-subsidising the improvement of the existing sports stadium at Wheldon Road) could not be carried out on an alternative site.

SECTION 8.3 – ENVIRONMENTAL IMPACT ASSESSMENT AND TECHNICAL CONSIDERATIONS

SECTION 8.3.1 – SOCIO-ECONOMIC IMPACTS (INCLUDING EMPLOYMENT LAND SUPPLY ISSUES)

The NPPF supports, in principle, sustainable economic growth, emphasised within the Core Planning Principles and within Section 1 'Building a strong competitive economy'. Regeneration and sustainable growth aspirations are reflected throughout the Council's Local Plan with a key theme being to support a dynamic and efficient local economy through, encouraging investment and enterprise. Local Plan policy SP10 relates to the Local Economy and parts 2(b) and 2(c) relate to the provision of good quality jobs and inclusive growth with increased earnings (especially for the low paid).

The socio-economic impacts of the development are outlined within chapter 6 of the supporting ES and the supporting 'Socio-Economic Impact Statement'. The documents assess the baseline conditions at the site and the surroundings together with: enabling works and construction phase expenditure and associated construction employment; on-site employment effects; off-site employment effects; fiscal benefits (including Business Rate receipts as a result of the development).

The following conclusions are made:

- The assessment of baseline conditions identified a pressing need for new jobs in both Wakefield district, and specifically in Castleford.
 - Wakefield is classified as Priority 1 (highest priority) Levelling Up location for the UK government.
 - The job density ratio in Wakefield (the ratio of total jobs to population aged 16-64) stands at 0.79, below the Great Britain (GB) ratio of 0.84.
 - The economic activity rate in Castleford is 68.1%, which is significantly below both the Wakefield and national average.
 - Claimant count unemployment data for Castleford also reveals a job deficit in the local area. As of May 2022, there were 1,640 Castleford residents on the claimant count register. This equates to a claimant count rate of 6.4%, well in excess of the GB average of 3.9%
- The scheme will create 1,340 on and off-site construction jobs per annum for a three-year construction period. The positive construction phase jobs not considered significant in EIA terms, largely because of their temporary nature.
- 1,830 full time equivalent (FTE) on-site jobs, rising to 2,140 FTEs under a scenario where 25% of the floorspace is used for manufacturing / light industrial uses instead of logistics. Jobs are expressed in FTEs (Full Time Equivalents) to follow government guidance; however, the actual number of jobs, when an element of part time working is factored in, will be greater.
- A further 365 FTE off-site jobs created by the individual expenditure of employees and the corporate expenditure of occupiers in the local economy, based on the 100% B8 logistics scheme.
- £3.2 million of additional business rate revenues for Wakefield Council each year.
- There are no adverse significant effects from a socio-economic perspective. All socio-economic effects are positive and are Moderate or Major Beneficial.

The applicant has also submitted a document entitled 'Employment Land Review (November 2022)' which provides a review of land available for the delivery of logistics development and concludes that the site can assist in meeting an 'unmet need' for land allocations for this type of development. The report also argues that the methodology used by the Council in allocating land for employment development within the (now adopted) Local Plan is 'flawed', that it doesn't take account of structural changes in the logistics market, and that the market assessment underpinning the evidence base for the Local Plan is no longer a true reflection of the market.

In terms of jobs and investment it is noted that the Council's Regeneration Team are broadly supportive of the development advising:

The principle of creating jobs and investment in the District is positive, but the precise socio-economic benefits of the proposed development during the operational phase will depend upon the type of businesses which ultimately occupy the units, including their recruitment strategy, the profile of the jobs to be created and the operator's skills and training programmes. These factors will also need to be considered. At present much of the units in the M62 corridor provide low-skilled and low-paid job opportunities which is contributing to the growing problem of in-work poverty. . . We welcome the opportunities this development would bring to provide employment for local residents. The planning request continues to encourage logistics and

distribution operators to the District which can often provide low paid and low skilled jobs which aren't always sustainable. Thinking about the long-term prospects for our residents and skill levels across our District, our specialist teams within Economic Growth would offer to work with any occupier to prepare and deliver an Employment and Skills Plan to set out how they will provide sustainable long-term roles which offer staff stable employment.

It is submitted within the supporting documentation that as socio-economic impacts would be positive, direct mitigation is not required; however, there are a number of measures which could be used to maximise the jobs and services taken by local residents and businesses during the construction and operational phases which could be secured through a section 106 legal agreement.

The Council's Spatial Policy Team in their initial consultation response (February 2023) advised:

With regard to employment land supply the Axiom site has not been included as an employment site allocation in the Publication Draft of the Wakefield District Local Plan currently under examination. The site remains as Green Belt in the WDLP. Paragraph 48 of the NPPF sets out three criteria that should be considered by decision takers when considering what weight can be given to emerging plan policies. With regard to these the plan is at an advanced stage of preparation; however, the Council is awaiting the Inspector's post hearing letter in February 2023 which may state the plan can be found sound and legally compliant subject to main modifications. A main modifications consultation may take place in the spring with the Inspectors final report following later in the year. As these steps occur in the examination process more weight can be awarded to the emerging plan taking account of communications from the Inspector and any main modifications as it is likely that any unresolved objections will have been dealt with satisfying the second criterion of paragraph 48. The Council consider that the approach to employment land set out in WDLP policies is consistent with policies in the Framework indicating the third criterion is satisfied. The Spatial Policy team will provide further consultation updates regarding these matters as the WDLP examination advances alongside the determination of this application.

The Council considers enough land has been identified and allocated through the Local Plan process to meet the employment need for the district. The Council published an Employment Land Need and Supply Update Note in October 2022 as part of the Examination of the Wakefield District Local Plan. This statement summarises the latest evidence available about the need for and supply of employment land in the district. The emerging Local Plan identifies the objectively assessed need for employment land in the district over the emerging plan period and provides a robust supply that will come forward to meet this need. As such it is unlikely that the level of employment land supply in the district could form a very special circumstance.

It is noted the applicant considers the Axiom site can come forward quickly to meet short term need. However, there is no policy requirement to phase employment land or demonstrate a supply that can be delivered in the early years of the plan period at the national or local level. The market will bring forward sites as required. There must also be some doubt as to how soon the Axiom site could come forward as it requires extensive upgrades to junction 32 of the M62. These may well take longer than the applicant expects and will require close liaison with National Highways. The applicant has clearly struggled to bring forward other development proposals on this site.

Following this advice, the Inspector's post-hearing letter was received by the Council on 2 March 2023 which set out that, subject to main modifications, the Inspector considered the emerging Local Plan likely to be capable of being found legally compliant and sound. With regard to this application the key modifications related to those concerning employment land need and supply. In summary the Inspector concluded that that the uplift to the identified need of 41 hectares for e-commerce and advanced manufacturing set out in the Council's evidence was not sufficiently justified or necessary and accordingly the total employment land need in the district over the plan period (which extends from 2017/18 to 2035/36) is 625 hectares. The Inspector therefore directed that two strategic allocations in the submission version of the emerging Local Plan be reduced by 38 hectares resulting in an identified supply of 627 hectares over the plan period (see paragraphs 51 and 52 of annex 1 of the Inspectors post hearings letter).

Main modifications to the emerging Local Plan were undertaken by the Council through the summer of 2023 removing two of the proposed employment allocations from the emerging Local Plan to comply with the conclusion of the Inspector. Following the main modifications consultation the Council's Spatial Policy Team issued a further consultation response (July 2023) advising:

The Council's position, as set out in the previous Spatial Policy consultation responses to this application, is not changed by the proposed main modifications to the Local Plan or by the responses provided by the applicant in their document received in May. The Spatial Policy responses to date do not claim or attempt to carry out an assessment of if very special circumstances exist to justify this proposal in the Green Belt. That is a role for the decision taker. However, employment land need and supply in the district is dealt with soundly by the emerging Local Plan, subject to the Inspectors final report.

Evidence on employment land need and supply in the district has continued to be refined as the Examination has progressed and is not just based on the Cushman and Wakefield Market Assessments and other evidence produced before the plan was submitted for examination. The latest evidence is set out in the Employment Need and Supply Update – Post Stage 2 Hearings document and in the Inspectors Post Hearing Letter. It needs to be recognised that the applicant has appeared at all hearing sessions relevant to employment land need and supply and submitted representations throughout the examination process setting out their position on this matter and their evidence will have been given due regard by the Inspector as she reached her conclusions on employment land need and supply set out in her post hearing letter.

There is no local or national policy requirement that necessitates the provision of additional employment land within Castleford. Extensive employment zones already exist in the settlement, alongside retail and leisure uses that provide jobs, and in adjacent towns such as Normanton. The new employment sites which the emerging plan proposes to allocate along the M62 corridor in the district would also be accessible to the residents of Castleford.

The Inspector's report on the Examination of the Wakefield District Local Plan was received by the Council on 6 November 2023 which concluded that subject to the inclusion of the main modifications recommended by the Inspector, the plan is sound, legally compliant and capable of adoption. In light of the Inspector's conclusions, the Council's Spatial Policy Team issued a final consultation response (dated 10 November 2023) advising that the Inspector's report confirms the employment land need over the plan period is 625 hectares and that the plan delivers a supply of 627 hectares; therefore, the proposal remains contrary to the Local Plan. Policies within the Local Plan to 2036, against which the application should be assessed, are set out.

The submitted information and consultee advice is acknowledged. It is also acknowledged that the applicants made extensive representations through the Local Plan examination process in terms of justifying the Axiom site being de-designated as Green Belt and allocated for employment development. However, following extensive examination in public, the Inspector confirmed that the Council had allocated sufficient employment land for the plan period to 2036 in order for the Local Plan to be found sound and taken forward for adoption. There is no further requirement for additional land to be allocated specifically within Castleford within the Local Plan period for employment uses.

The economic issues facing Wakefield District as a whole and Castleford in this instance in particular, are known and are accepted. The Council does not have any information which contradicts the job creation numbers during both the construction and operational phases which have been presented by the applicant and it is accepted that the numbers of jobs are significant in an area where the provision of such jobs could have a major, positive impact upon local communities. Furthermore, should planning permission be approved it is considered that through either the imposition of a planning condition or a section 106 legal agreement requiring the applicant to detail arrangements for promoting employment and skills development opportunities for local residents, to assist in meeting the Council's objectives outlined within Local Plan policy SP10 part 2, could be secured.

The proposal would create a significant number of jobs during both the construction and operational phases, which in turn would contribute to the overall wider regeneration of a coalfield area which has been detrimentally affected by past industrial/mining decline. Officers cannot conclude at this stage whether during the Local Plan period to 2036 all of the land now allocated for employment uses and the development of this site would be brought forward or whether it would take a longer time frame. It would be for the next Local Plan beyond 2036 to allocate sufficient land accordingly dependent on what had been brought forward. Nevertheless, officers consider that the job creation and investment benefits of the scheme in an area suffering from higher-than-average unemployment rates would be very beneficial.

Overall, there are historic and entrenched social and economic issues within the Wakefield District and within Castleford more specifically. Officers consider that the overall social and economic impacts of the development would accord with the requirements of the NPPF and the Council's adopted Local Plan and are positive and are afforded substantial weight in favour of the scheme.

SECTION 8.3.2 – LANDSCAPE AND VISUAL IMPACT

Chapter 12 ('Achieving well-designed and beautiful places') of the NPPF is relevant, together with policies SP23 (Design, Safety and Environmental Quality), LP55 (landscape character), LP56 (design of new development), and LP59 (landscape design) of the Council's Local Plan. Summarised, the NPPF states at paragraphs 131 – 139 that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people; that high quality and inclusive design should be achieved, development should be visually attractive incorporating good architecture and appropriate landscaping; and that development should be refused if it consists of poor design that fails to take opportunities to improve the character and quality of an area and the way it functions.

Local Plan policies SP23, LP55, LP56, and LP59 are compliant with policy within the NPPF and seek, amongst other things: to ensure that local character is respected and where appropriate enhanced; to protect existing landscapes; to incorporate high quality design and

landscaping; and to promote, where possible, increased public access and opportunities for recreation.

Objector concerns relating to landscape and visual impacts have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

To support the application, details relating to the design of the development and the landscape and visual impact of the development are set out within Chapter 7 of the ES (and associated documents within the appendices), the Landscape Design Statement, the Design & Access Statement, and the Axiom Design Code

Assessment of the indicative site layout

The component parts of the proposal have been outlined in full at the top of this report.

It is re-iterated that the 'full' elements include the off-site highway works (including alterations to the existing motorway junction (32) arrangements and the formation of a new access into the site from the west), together with on-site works to create the development platform and landscaped mounds. The 'outline' element seeks approval of the *principle* of the proposed on-site buildings and infrastructure.

To enable assessment of the landscape and visual impacts of the development, plans have been provided showing an indicative site layout, building design, site sections and landscaping (including a landscape masterplan). Members are reminded that these details are indicative only at this stage and that a further reserved matters application(s) would be submitted subsequently should Members be minded to approve this application, which would provide details of the final site *layout*, the *scale* and *appearance* of the various buildings and infrastructure, and the *landscaping* of the site. Notwithstanding, a number of parameter plans are submitted for approval including a Land Use Parameter Plan and Building Heights Parameter Plan, together with the Axiom Design Code to provide certainty about elements of the built form.

Indicative layout plans indicate that landscaped mounds would be constructed along the western, northern and parts of the eastern boundaries of the site to assist in screening the development from the closest residential properties on Stainburn Avenue, Park View and Spittal Hardick Lane respectively. Extensive, soft landscaping would be provided along the perimeter of the site and a 5-hectare area of publicly accessible open space would be provided in south-east corner of the site. Indicative plans indicate that 13 units could be located within the site comprising varying sizes making up the proposed 141,085sqm of new floorspace (the total number of units would be determined at the reserved matters stage). The larger employment units (both in terms of footprint and height) would be located within the northern half of the site, with a series of smaller units and the electric vehicle charging facility in the southern half of the site closest to the motorway. Associated servicing and car parking areas would be located between the units and a central spine road would provide access through the site from west to east for vehicles, pedestrians and cyclists (it is re-iterated that no vehicular access would be provided to/from Spittal Hardwick Lane).

The plans indicate that the following distances would be achieved: The western-most unit (marked as 'unit 1') would be no closer than 58m to the closest residential gardens of the residential properties located on Stainburn Avenue; the eastern-most unit (marked as 'unit 5') would be no closer than 71m to the closest residential gardens of the residential properties located on Spittal Harwick Lane, and no closer than 220m to the closest residential gardens of the residential properties located on Park View.

The maximum building height above ground level would be 24m in the centre of the site, dropping to 22m to the west and 19m to the east. The smaller units to the south would be

limited to a maximum building height of 13m. A barrel roof approach would be adopted for the larger units, providing a greater degree of interest and variety in the appearance of the units which would also lower the prevailing roof height in the locations closest to adjacent properties at Spittal Hardwick Lane to the east and Stainburn Avenue to the west as the roof curves downwards to meet the eaves. This would further mitigate any impact upon those properties.

The supporting documents outline that the design principles and evolution has taken account of the site constraints and the need to ensure that the quantum of development which is required can be delivered in the least impactful way to the surrounding residential properties. Officers agree that the indicative site layout consolidates the built development and maintains, as far as is practicable, the open aspects of the site, and provides substantial areas of soft landscaping and public open space. Officers are satisfied that the indicative layout, together with mitigation (landscaped mounds and alterations to land levels) would ensure the proposed development would not harm the amenity of surrounding residential properties in terms of overshadowing, overlooking or harming outlook.

Should Members resolve to approve this application, it is recommended that a condition be imposed requiring the final layout of the site to be brought forward in substantial accordance with the Land Use Parameter Plan, the Building Heights Parameter Plan, the Landscape Design Statement, the Design & Access Statement, and the Axiom Design Code.

Approach to landscape assessment and overview of mitigation

An assessment of the landscape and visual impacts of the development is detailed within chapter 7 of the supporting ES (which includes photo viewpoints agreed in advance with the LPA and a series of photomontages from selected viewpoints), together with the indicative site layout plan, landscape masterplan, sectional drawings, Building Heights Parameter Plan and the Land Use Parameter Plan.

In summary the assessment contained within the ES includes a review of relevant national and local planning policy, a baseline landscape character appraisal, an appraisal of effects upon both landscape and visual receptors (assessed below), mitigation measures to be implemented, residual effects, cumulative effects and impacts upon the openness of the greenbelt (assessed previously within this report).

In order to undertake a robust assessment of landscape and visual impact, maximum parameters for the scheme have been set out which includes the maximum height of each component from the new ground levels (as identified on the submitted building heights parameters plan) and a maximum overall development height.

The assessment focuses on two key issues: the impact upon landscape character (i.e. the physical impact of the proposed development upon the wider landscape context) and the impact upon visual receptors (i.e. views of the site from public rights of way adjoining the site, residential properties, businesses, roads, and public open space). Officers consider the methodology and approach used within the assessment to be acceptable and the impacts are assessed under separate headings below.

It is accepted that the ES correctly identifies that in terms of national landscape character the site lies within the 'Southern Magnesian Limestone' Character Area (Character Area 30 within Natural England's National Character Areas designation), which is described as an area having an agricultural context but also heavily influenced by urban and industrial infrastructure. In terms of local landscape designations (taken from the Landscape Character Assessment of Wakefield District undertaken in October 2004), the majority of the site lies within the 'Northern Coalfield' landscape character type, with a small area within the north-

eastern part of the site falling within the 'Limestone Escarpment'. Within these local designations the site falls within 'Castleford and Pontefract'.

The ES identifies that whilst there is a sense of openness within the site, there are always visual references to urban influences including nearby commercial, business and power generating buildings and infrastructure within the skyline (ES para 7.3.7). This assessment is accepted and is reflected in the photo-viewpoint sheets and selected photomontages which have been submitted.

The following submissions within the ES are accepted by officers:

- The existing site landscape is intensively managed.
- Available views towards the site are greatly influenced by the surrounding residential and industrial/commercial context and the associated topographical arrangement of the ridge on which Holywell Wood stands.
- The site can be readily viewed from a number of vantage points, including those as far away as north Featherstone and the north-western edge of Pontefract, including possible long distance views from Pontefract Castle (see section 8.3.11 of this report for further commentary relating to impacts upon heritage assets); however, the topography of Holywell Wood and the former Prince of Wales Colliery site restrict certain views from the north and south.
- Public Rights of Way (PRoW) diverted along the northern and eastern boundaries of the site will incur the most significant visual effects, together with the closest residential properties to the west, north and east.
- Existing industrial development within the area has encroached into the established skyline (e.g. the Xscape building and Ferrybridge Power Station).

In summary, the proposed mitigation which would be incorporated into the completed development includes:

- implementation of site-wide soft landscaping creating a landscape structure linked to surrounding habitats;
- the creation of an attractive area of public open space in the south-eastern corner of the site;
- introduction of earth bunds along the western, north-western and eastern boundaries of the site with advance planting;
- introduction of mature impact planting in key locations at the earliest opportunity to help screen the construction and operation of the development;
- inclusion of acoustic fences that also visually screen operational activities; and,
- consideration of sensitive elevation treatments and cladding to reduce the visual prominence of the units.

Impacts upon landscape character

The ES acknowledges that during the construction phase there will be considerable change to the local landscape resulting from on-site engineering operations and the storage of plant, machinery and equipment; however, the change would affect a limited geographic area and would not be out of context when considering other developments in the locality (such as the former Prince of Wales colliery site). The ES identifies that with suitable mitigation (the use of site wide hoardings, restricting and controlling lighting with the site, the implementation of a CEMP, and the construction of the landscaped mounds within an early phase of development), the residual effects during the construction phase would be "temporary moderate adverse" upon landscape character. This conclusion is accepted and as the

construction phase would be for a temporary period and as mitigation could be secured and controlled by condition, the overall impact is considered, on balance, to be acceptable.

Following the completion of the development and the implementation of mitigation highlighted above, the ES concludes that: *'although the Proposed Development will be prominent, it will not be uncharacteristic given the adjacent commercial / industrial context at Glasshoughton and the urbanising influences of the M62 motorway, surrounding residential area and dominant skyline features (Xscape building). Intensively farmed large-scale agricultural land is commonplace within the landscape character areas and the condition of the landscape within the site itself is semi-degraded due to the lack of field boundary hedgerows and the influence of surrounding urban features. Whilst there will be a loss of previously intensively farmed agricultural land, the development proposes to create new public open space, new woodland and new characteristic habitats. The assessment of effects assessed at Year 15 range from Minor Adverse to Moderate to Minor Adverse (Not Significant)'.*

The site is currently open and undeveloped and therefore the proposal would invariably, fundamentally change the local character of the site and its role in the wider landscape. Furthermore, the site is designated within the Green Belt and for the reasons highlighted in section 8.2.2 of this report, the proposal is considered to have a significant, detrimental impact upon the openness of the Green Belt. Nevertheless, in terms of the wider landscape character it is considered that the conclusions within the ES are reasonable. The proposal would also fundamentally change the character of the site but officers considered that limited weight be afforded to this harm given the nature of the immediate and wider landscape and the mitigation that can be provided.

Impacts upon visual receptors (including public right of way issues)

Two Public Rights of Way (PRoW) previously crossed the site – footpath 20 which travelled in a south-westerly direction from Holywell Farm and south from Hawthorne Avenue, linking into footpath 21 which ran in a north-south direction through the centre of the site. Following the approval of planning permission in 2015 for development of this site, these two PRoWs have been diverted with footpath 20 now running along the northern boundary of the site connecting to footpath 34 which runs along the eastern boundary. In addition, there are several other PRoW outside of the application site but within the surrounding area. The closest and most sensitive residential properties to the site include those located along the eastern side of Stainburn Avenue to the west of the site, those on the southern side of Park View to the north and those adjacent to the eastern boundary of the site located along Spittal Hardwick Lane.

During the construction phase there would be significant, “major adverse” impacts upon users of the PRoWs adjoining the site and upon the closest residential properties to the site. There will also be less severe but still adverse impacts upon other receptors including other footpaths/bridleways in the vicinity of the site and other vantage points of the site. Nevertheless, as stated within the previous sub-section, the impacts during the construction period would be temporary, and on that basis would not be sufficient to preclude the development being undertaken.

Following completion of the development the most significant effects would be upon the higher sensitivity residential properties which adjoin the site boundaries along Stainburn Avenue, Spittal Hardwick Lane and Park View; however, the ES also highlights that the number of affected properties is low and that where open views do exist, the proposals have been designed to offset and screen the development through land re-grading, planting and the formation of the public open space. The ES concludes that *'visually, the effects of the development are limited by the surrounding topography, existing framework of vegetation*

associated with Holywell Wood and the surrounding residential and commercial land uses, affecting a relatively small number of residential receptors. The most significant effects relate to the Public Rights of Way that run along the site boundaries and the residential properties directly adjacent to the Site whose views will be inevitably curtailed. The number of properties affected is limited and some lower storey rear views are filtered by existing vegetation within gardens. The effects will be significant for these receptors, but for the majority of visual receptors identified within the study area surrounding the Site, the effects arising from the Proposed Development will not be significant. The assessment of effects assessed at Year 15 range from Neutral (Not Significant) to Moderate to Minor Adverse (Not Significant) for the majority of receptors. Significant Adverse effects (Moderate & Major Adverse) have been identified for those receptors in close proximity to the Site as noted above'.

Officers consider that the proposal will have adverse visual impacts upon the closest residential properties to the site and the users of the adjoining public rights of way, particularly during the construction phases and until the landscape mounds are formed and the planting has developed. Significant weight is attributed to this harm; however, it is acknowledged that the most severe impacts are temporary, mitigation will be provided and views will mostly be of the landscaped mounds as opposed to buildings once they have established. There are considered to be no changes to wider views of the site from more distant dwellings, road users, business premises or the rail network, which would be harmful; albeit it is acknowledged that some views would change.

Lighting

In terms of the impact of lighting upon the amenity of the surrounding residential properties, the Council's Environmental Health Officer (EHO) advises that lighting from both the construction and operational phases of the development has the potential to have an adverse impact upon the amenity of surrounding residential properties. Nevertheless, the EHO is satisfied that any potential negative effects of new lighting can be controlled through the careful selection, placement and design of lighting units, which could be agreed and secured through the imposition of a planning condition.

The development will require external lighting upon all of the buildings and within the publicly accessible areas. Officers are in agreement with the conclusions of the ES and the Council's EHO that the development can be implemented with a suitable and safe lighting scheme and it is recommended that planning conditions be imposed to ensure that details of all external lighting for both the construction and operational phases of the development, are submitted to the LPA for written approval.

Landscape and visual impact conclusions

Separate conclusions have been made within section 8.2.2 about the impact upon the openness of the Green Belt. This section has reviewed the impact upon the landscape and visual amenity rather than the Green Belt designation.

The site is an open, undeveloped greenfield site and therefore the proposal would invariably, fundamentally change the local character of the site and its role in the wider landscape. As detailed above, officers consider that limited weight be afforded to this harm given the nature of the immediate and wider landscape and the mitigation that can be provided.

The proposal will have adverse visual impacts upon the closest residential properties to the site and the users of the adjoining public rights of way, particularly during the construction phases and until the landscape mounds are formed and the planting has developed. Officers

consider that significant weight be given to this harm; however, mitigation is provided, and it is acknowledged that the most severe impacts are temporary, and views will mostly be of the landscaped mounds as opposed to buildings once they have established.

Final site layout details and design details would be assessed at the reserved matters stage; however, it is recommended that should Members resolve to approve this application, a number of conditions be imposed to reduce any adverse visual impacts as far as is practicable, including:

- The submission of a scheme to the LPA for written approval detailing: (i) the colour, type, and texture of building materials; (ii) details of screening, retaining and boundary walls and (iii) the external appearance, colour, type, texture and composition of materials used in constructing the access.
- The submission of a scheme to the LPA for written approval detailing all external lighting to be used during the construction phase and to be installed as part of the completed development.
- Reserved matters to be submitted in compliance with the parameter plans (the Land Use Parameter Plan and Building Heights Parameter Plan) and the supporting design documents (the Landscape Design Statement, the Design & Access Statement, and the Axiom Design Code).

SECTION 8.3.3 – ECOLOGY, BIODIVERSITY AND PROTECTED SPECIES

Chapter 15 of the NPPF (Conserving and enhancing the natural environment) is relevant. Paragraph 180 seeks to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph outline principles to protect, preserve and enhance ecology and biodiversity.

Local Plan policies SP23, LP51, LP53, LP54, LP55, LP56, and LP59 seek, amongst other things, to protect habitats, local ecology and biodiversity and to provide Biodiversity Net Gain (BNG). Select sections of these policies include the requirement to:

- Protect and enhance the district's biological and geological diversity and green infrastructure including the need to increase tree cover across the district, safeguard designated sites of international, national, regional and local importance, ancient woodland and other ecological assets, including priority habitats and species (policy SP23 (e))
- Where development is permitted the Council will require developers to create new or replacement habitats with a minimum net gain of 10% of the current ecological value of the site using the Defra Metric (LP51 3(f) and LP53 (e)).
- Proposals shall Retain, and enhance important ecological and landscape features, including those provided to meet biodiversity net gain requirements (policy LP56 (e))

The Council's 'Interim Guidance for Developers to Achieve Net Gain for Biodiversity through Development' (January 2023) document is also relevant which outlines how Biodiversity Net Gain is to be achieved within Wakefield during the transition period prior to the implementation of the Environment Act.

Objector concerns relating to impacts upon ecology and biodiversity have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

The whole of the site is located within the district's wildlife habitat network which is designated to connect designated sites of ecological and geological conservation and habitats listed as Biodiversity Action Plan priorities such as watercourses, woodland, natural and semi-natural areas. Within the network, nature conservation interests will be protected and opportunities will be taken to restore and enhance existing habitat, create new priority habitats, and manage the landscape to improve both biodiversity and landscape quality. In addition, the southern part of the site falls within an identified bat alert zone and the northern boundary of the site is located to the south of Holywell Wood - a designated Local Wildlife Site (LWS) (formerly a Site of Scientific Interest (SSI)), which is a disused sand and gravel quarry designated for its botanical diversity. Holywell Wood is also covered by a blanket Tree Preservation Order (TPO).

An assessment of the impacts of the development upon Ecology and Nature Conservation has been undertaken, which is set out within chapter 8 of the supporting ES. A supporting Ecology Baseline Report (dated September 2021), has also been submitted and is contained in appendix 8.1 of the ES. Other accompanying appendices include the results of ecology surveys relating to habitats, badgers, bats, breeding birds, reptiles, water voles, great crested newts and terrestrial invertebrates. The assessments review baseline conditions at the site, the potential effects during the construction and operational phases, mitigation measures which can be used / implemented, and residual effects. A Biodiversity Net Gain (BNG) Assessment and an Arboricultural Impact Assessment have been undertaken and submitted and further information relating to BNG has been submitted during the course of the assessment of the application.

In summary, the ES makes the following conclusions:

- The site supports open grassland which has developed since agricultural production ceased. There are no hedgerows within the site and those which form the boundaries are generally in poor condition with many gaps. The grassland areas are of low species diversity with the only significant botanical interest being the presence of two species of orchid found along the ditch which runs through the site. The habitats which the site supports, which will be lost to the development, are considered to be of low ecological value.
- The proposal would not result in the loss of any designated sites or any habitats of priority importance. Furthermore, there would be no cumulative, indirect impacts upon any other designated sites within the local area.
- The ecology surveys identified that there are no badgers or water voles present at the site. Furthermore, there are no roosting bats within the site although low numbers of bats were recorded as foraging at and around the site.
- Invasive species (Japanese knotweed and Himalayan balsam) are present either within or close to the site but these infestations are localised and would be treated.
- The only ecological effect that cannot be fully mitigated is the loss of some skylark territories. While it is anticipated that some skylark will continue to breed in the open grassland areas of the site, their numbers will be reduced. All other ecological receptors will be enhanced, and the scheme will provide new roosting sites for other bird species and bats which are currently not available on site.
- Overall, the proposed development is assessed as having a Minor to Moderate significant Benefit for the ecology of the site.

A full schedule of proposed mitigation measures to be used / implemented during both the construction phase and following completion of the development, is set out within section 8.6 of the ES. In summary, the measures to be used during the construction phase would include (but are not limited to): the early installation and planting of the landscaped mounds, the submission for written approval of a CEMP, minimisation of lighting, and the production of a Japanese Knotweed Management Plan.

Mitigation measures to be incorporated in to the completed development include (but are not limited to): the formation of the public open space and extensive landscaping across the site, the use of Sustainable Urban Drainage Systems (SUDS), additional tree planting throughout the development, the formation of water bodies and wetlands, the use of wildflower and calcareous grassland, the strengthening of existing hedgerows, the formation and implementation of a Habitat Management Plan, and the installation of bat and bird boxes within the site.

Through the course of the assessment of the application, the applicant has also provided a statement confirming:

The loss of habitat and watercourse units is proposed to be converted to a net gain through either an appropriate scheme on land within the control of the Applicant or a third-party Habitat Bank that delivers a 10% net gain in biodiversity or through the purchase of 43.00 biodiversity units from Wakefield Council. This is envisaged to be secured through a S106 Agreement contribution of £1,074,900.00 (plus £107,490.00 monitoring fee and £107,490.00 facilitation fee). Should the delivery of the 10% net gain be taken forward on land within the control of the Applicant or a third-party Habitat Bank, this will also be secured through an appropriate S106 Agreement obligation. The delivery of a 10% biodiversity net gain is in accordance with the relevant policies within the new Wakefield Local Plan and is considered to result in a material benefit weighing in favour of the proposals.

Natural England (NE), the Yorkshire Wildlife Trust (YWT), the Wakefield Badger Group, the Council's Countryside Service and the Council's Arboricultural Officer were consulted. The Council has also commissioned an independent ecological assessment of the scheme, which was undertaken by BSG Ecology (hereafter referred to as "the Council's ecological advisors").

The YWT, the Wakefield Badger Group and the Council's Countryside Service offered no comments towards the development. It is also noted that these consultees did not object to the previous retail-led Axiom proposal which was approved planning permission in 2015.

NE have stated that: *the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes* and on that basis offer no objection to the development proceeding. NE have provided their standing advice for information.

The Council's Arboricultural Officer initially requested additional information relating to tree protection, ecological enhancement and tree planting details. Following receipt of additional information, the Council's Arboricultural Officer has confirmed that there will be no incursion into the predicted Root Protection Areas of trees to be retained and that these trees can be protected during the onsite construction with protective fencing; and that adequate mitigation can be secured through the use of planning conditions. The Council's Arboricultural Officer therefore offers no objections to the development proceeding.

The Council's ecological advisors have reviewed all the supporting documents and surveys, and offer the following, summarised, advice:

- Baseline conditions

The ecological survey work which has been undertaken to inform the baseline position, including the dates/times the work surveys were undertaken are appropriate for undertaking Phase 1 habitat surveys.

The ecology chapter of the ES uses data gathered from all the ecology surveys undertaken at the site to inform the assessment. The ecology receptors that have been assessed are considered to be appropriate and impacts from the development during enabling, construction and operational phases have been considered.

- Ecological impact

The ecology chapter considers the mitigation that has been designed into the development through the proposed landscaping and green infrastructure proposals. The ecology chapter states that a Construction Environment Management Plan (CEMP) will be put in place in advance of enabling works. The CEMP will be relevant through the construction phases of the development setting out the necessary recommendations and measures for the translocation of orchid spikes to areas of retained habitat, the treatment of invasive species and measures to avoid impacts on nesting birds. The ecology chapter states that a Landscape & Ecology Management Plan (LEMP) will be produced that sets out the detailed design of the proposed green infrastructure and provides details of the long-term management. It states that the creation and management of these habitats will be in perpetuity.

The assessment of residual effects following mitigation considers that there will be a moderate beneficial outcome for habitats, a neutral effect for invasive species, a neutral to minor beneficial for breeding birds (with the exception of skylark) which is considered to have a moderate adverse residual effect, a moderate beneficial effect on bats and moderate beneficial effects on Holywell Wood LWS. Additional enhancement measures are set out that include the provision of bat roosting boxes, bird nesting boxes and the requirement for any external lighting scheme to be sensitively designed. The only receptor where adverse residual effects are predicted to remain are for skylark. The assessment that has been undertaken is considered to be appropriate and proportionate and the findings and conclusions are considered to be sound.

- Biodiversity Net Gain

A biodiversity gain assessment has been appropriately undertaken. A Habitat Survey was undertaken on 7 July 2022 to inform the completion of the biodiversity gain assessment. It is understood that site clearance works have been undertaken between the AECOM survey of 2021 and the Baker Consultants survey in 2022, and that a precautionary approach has therefore been taken with regards to the assessment, assuming a baseline of the majority of the site as Other Neutral Grassland in poor condition.

The illustrative masterplan drawing has been used to calculate the post-development habitats that will be retained, enhanced and created. This indicates that a SUDS scheme will be located in the south-east of the site, with areas of green space including other neutral grassland, mixed scrub, broad-leaved woodland, introduced shrub, reedbeds, hedgerows, wet ditches and individual tree planting.

The Biodiversity Net Gain Assessment identifies that the site has 198.63 existing habitat units in addition to 0.84 hedgerow units and 5.49 watercourse units. Following the delivery of the proposed development, these respective figures would change to 168.39, 10.81 and 3.26 respectively resulting in a deficit of -30.24 habitat units (-15.23%), a gain of 9.97 hedgerow units (100%) and a deficit of -2.23 river units (-

40.57%). Overall, the proposed development will not achieve a biodiversity net gain for area-based habitats and watercourses on site.

Within the report, two options, in line with the Wakefield Council Interim Guidance for Developers document, have been set out, with Option 2, for a financial contribution to be paid to the Council for off-site delivery of net gain being put forward as the preferred option.

The approach that has been put forward is considered to be reasonable and in line with the Interim Guidance for Developers. At the current time, only the Illustrative Masterplan is available to calculate the biodiversity gain assessment, which is an appropriate approach. If planning consent is granted, then it will be necessary to ensure through the use of a suitably worded condition, that the number of credits that can be achieved on site, through the proposed landscaping and habitat creation measures will be possible to achieve.

- Overall conclusions

The ecological survey work, biodiversity gain assessment and ecology assessment that have been undertaken in support of the planning submission are considered to have taken into account appropriate guidance and provide sufficient information on baseline ecology conditions in order to inform the assessment and therefore a planning decision.

Should the Council be minded to grant planning consent for the proposed development a number of conditions will need to be attached to the consent in order to ensure that mitigation, compensation and enhancement measures are delivered. These should include the following: The requirement for a CEMP to be approved prior to commencement of development; The requirement for a Biodiversity Enhancement and Management Plan (to include full details of how the credits calculated within the biodiversity gain assessment will be achieved and associated timescales for delivery) to be approved prior to commencement of development. The requirement for a pre-commencement badger survey to be completed in advance of the commencement of development. The requirement for a detailed lighting strategy to be submitted and agreed with the Council either prior to commencement or prior to occupation of the site.

The comments of each of the consultees have been considered carefully. Furthermore, it is re-iterated that final details of both the *layout* and *landscaping* of the site, are reserved for future assessment.

None of the technical consultees object to the development and based upon the advice provided it is clear that the proposed development would provide the opportunity to enhance biodiversity on site, provide improved opportunities for members of the public to access nature in this area (the POS), and provide contributory funding of £1,074,900 (plus monitoring and facilitation fees totalling £214,980) towards off-site biodiversity enhancements to achieve 10% BNG overall. Whilst the scheme would include extensive built development within the Council's designated wildlife habitat network, it is considered that the proposal offers adequate mitigation and, with the contributory funding, overall BNG, which is considered overall to be compliant with Local Plan policies LP51 and LP53 and the NPPF.

The proposal would not harm the protected trees within Holywell Wood. Furthermore, significant additional landscaping and tree planting would be undertaken within the site. The proposal would therefore be compatible with Local Plan policy LP54 and the NPPF.

Mitigation measures outlined within the ES and by the technical consultees can be secured through the use of conditions and are considered to be sufficient to ensure that this scheme

is acceptable in planning terms. The contributory payment of £1,074,900 (plus monitoring and facilitation fees totalling £214,980) towards off-site biodiversity net gain can be secured through a section 106 legal agreement. Overall, in taking account of the location of the site, the nature and scale of the proposed development, the findings of the ecological assessments and the advice given by the aforementioned specialist consultees, it is considered that the proposal is acceptable having regard to local ecology, biodiversity, legally protected species, Holywell Wood – a designated LWS – and the wider wildlife habitat network.

Overall, it is considered that the proposal is capable of complying with the requirements of the NPPF and Local Plan policies SP23, LP51, LP53, LP54, LP55, LP56, and LP59.

SECTION 8.3.4 – TRAFFIC AND TRANSPORT (INCLUDING MEANS OF ACCESS, HIGHWAY CAPACITY AND SAFETY)

Introduction and policy

Chapter 9 ('Promoting sustainable transport') of the NPPF is relevant which seeks, amongst other things, to ensure development creates safe and secure layouts which minimise conflicts between traffic and pedestrians. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policies SP13 (Sustainable Transport), SP14 (Transport Network), SP15 (Influencing the Demand for Travel), LP27 (Access and Highway Safety), LP28 (Green and Blue Infrastructure) and LP34 (Electric Vehicle Charging Points) of the Council's adopted Local Plan are relevant which set out the standards and criteria against which the highway impacts of the development are assessed, and seek, amongst other things, to ensure development can be accessed safely. The Council's Street Design Guide (2012) provides relevant guidance relating to, amongst other things, design, layout, and car parking standards.

A number of objections have been made relating to transport and highway safety issues. The issues raised are considered (although not explicitly referenced) in the assessment below.

An assessment of the impacts of the development upon Traffic and Transport has been undertaken, which is set out within chapter 9 of the supporting ES. A supporting Transport Assessment (TA) and Framework Travel Plan (FTP) have been submitted and additional / amended highway documentation has been submitted through the assessment of the application to address issues raised by technical consultees.

In summary, the TA and ES includes a review of ten nearby roads with the detailed capacity assessment focusing on Junction 32 of the M62, the Park Road / Colorado Way junction and the Park Road / De Lacy Way junction with a future assessment year of 2036. Five scenarios are provided including a 2021 base, 2036 with and without Local Plan growth, and 2036 with the proposed development and with and without Local Plan growth. Most of the growth within the assessments is accounted for by developments committed through the Local Plan and the subject scheme itself. The chapter identifies the agreed scheme of highways improvements that were included as part of the previously approved and implemented planning permission on the site and that are to remain largely the same as for the current proposals (detailed subsequently in this section).

Overall, the ES concludes that: (i) the residual effects of the proposals post mitigation will be minor adverse during the construction phase on the highway network and negligible in terms

of severance, driver delay, pedestrian delay, pedestrian amenity and accidents and safety, and (ii) that traffic associated with the proposed development will be satisfactorily accommodated and will not give rise to any moderate or major adverse impacts.

National Highways (NH) were consulted and initially advised that planning permission should not be approved until various issues were addressed. Following the submission of revised and additional information, NH issued a final response (dated 19 October 2023) advising that planning permission could be approved, subject to the imposition of conditions to ensure that: (i) a construction management plan is submitted and approved, (ii) the motorway junction upgrade works are completed before the development becomes operational and (iii) a boundary treatment plan relating to the boundary with the M62 is submitted and agreed.

The West Yorkshire Combined Authority (WYCA) was consulted and, in summary, confirmed that they have no objections to the development in principle subject to: (i) either a link from Park Road to Spittal Hardwick Lane through the site for buses being provided or, if this is not possible, a bus turning head and bus stops being provided within the site, (ii) a £50,000 financial contribution being secured for bus shelter upgrades on Spittal Hardwick Lane, and (iii) a financial contribution being secured for bus service improvements in the area.

The Council's highway engineer assessed the scheme and in an initial consultation response (3 March 2023) identified numerous issues which needed to be addressed and/or identified additional information which needed to be submitted relating to: Road Safety Audits, traffic impacts, internal layout, accessibility, and the Framework Travel Plan.

In response to the issues raised by the highway consultees, the applicant submitted various documents including a revised Framework Travel Plan and a series of highway technical notes. The additional documentation was re-assessed by the highway consultees, including the Council's highway engineer who issued a final consultation response (dated 22 November 2023). The comments/conclusions made by NH, the WYCA and the Council's highway engineer are integrated under the following sub-headings:

Site Access and Off-site Highway Works

Access to the application site is proposed to be taken from a new traffic signal-controlled junction via the A639 (Park Road). The access would form part of a wider scheme of proposed improvements to the Park Road / Colorado Way junction and M62 Junction 32 (M62-J32) / A639 Park Road junctions.

It is important to note that these improvement works were previously approved under preceding planning applications and were also granted technical approval via the separate Section 278 (of the 1980 Highways Act) process.

In summary, the proposed off-site works are formed of:

- From the Colorado Way junction, the southbound carriageway on Park Road will be realigned to the east, forming a new one-way section of carriageway past the application site towards J32. Flared lanes will be provided to accommodate two lanes for traffic turning left towards the new section of carriageway towards M62-J32, and two lanes for right-turning traffic to Colorado Way will be maintained.
- An additional (flared) lane will be provided on the eastbound Colorado Way approach to Park Road.
- A new traffic signal-controlled junction will be implemented on the realigned section of Park Road. This will provide access to the application site from Park Road and Colorado Way.

- A new northbound section of carriageway will also be provided, allowing direct access to the site from the M62-J32 roundabout.
- For vehicles exiting the application site, only left-turn movements will be accommodated. Traffic departing the site towards Castleford and Glasshoughton will be required to circulate the M62-J32 roundabout.
- The layout of the M62-J32 roundabout and Park Road south of the motorway will be re-designed to provide additional turning lanes and capacity at the junction with Park Road.
- The approved Section 278 works included a series of footways, cycleways and controlled pedestrian crossings to provide improved pedestrian and cycle access from Colorado Way and Park Road to the application site with improved pedestrian access from the M62 junction to the south.

When considering the planning history of the site as well as the (previously approved) highways improvement scheme, it is important to note that there were no concerns raised by the Council's highways team regarding the principle of the proposed site access or associated highway works; however, it was considered timely to request that a new Stage One Road Safety Audit (RSA1) be completed. The RSA1 was also requested by National Highways (NH). It is noted that the applicant submitted a finalised version of the RSA response and corresponding '*Decision Log*' accordingly. The RSA1 included comments from Wakefield Highways Section 278 team and Urban Traffic Control (on behalf of the 'overseeing organisation').

Furthermore, it is noted that the applicant completed the '*Agreed RSA Actions*' as matters to be addressed at the detailed design stage. The Council's highways team have confirmed that this is an acceptable and regular process and that further detailed (Stage 2-4) Road Safety Audit processes must be applied should planning consent be granted. If the scheme moves forward then the detailed design will also need to be re-examined, using the previously approved drawings as a baseline, and updating these as necessary. A suitably worded planning condition will be required to secure this, should planning consent be granted.

Overall, the site access and off-site highway works are considered to be acceptable.

Traffic Impact and Required Mitigation

The proposals include a total of 141,085 sqm of flexible floorspace which will be broadly split between (approx. 25%) B2 industrial and B8 warehousing (approx. 75%) uses; however, in order to test other planning use / floorspace splits the TA considered two development split scenarios, these being:

- 100% Warehousing use; and
- 50% Warehousing / 50% B2 Industrial uses

The current proposals have been considered in the context of the previously approved and implemented scheme:

Current proposals:

Time Period	Factor	100% Warehousing Use			50% Warehousing / 50% Industrial Use		
		Arr.	Dep.	Tot.	Arr.	Dep.	Tot.
Weekday AM Peak Hour	Total Vehicles	370	119	488	549	140	688
	HGVs	47	62	109	44	51	95
	Light Vehicles	323	56	380	505	89	594
Weekday PM Peak Hour	Total Vehicles	117	323	440	126	460	586
	HGVs	51	45	96	37	37	74
	Light Vehicles	66	278	344	88	423	511

Comparison with the extant (retail-led) planning consent:

Time Period	Vehicle Trip Generation Net Impact (Proposed Development - Planning Application 14/01440/OUT)					
	100% Warehousing Use			50% Warehousing / 50% Industrial Use		
	Arr.	Dep.	Tot.	Arr.	Dep.	Tot.
Weekday AM Peak Hour	+17	-127	-111	+196	-106	+89
Weekday PM Peak Hour	-556	-479	-1035	-547	-342	-889
Vehicle Trip Generation Net Impact (Proposed Development - Planning Application 16/01544/FUL)						
Weekday AM Peak Hour	+131	-35	+96	+310	-14	+296
Weekday PM Peak Hour	-316	-232	-547	-307	-95	-401

The comparison demonstrates that the proposed employment development is likely to generate a significantly lower level of vehicular traffic than was accepted for the purposes of the previously approved planning consent for the stadium and retail/leisure development proposals.

In summary, the assessment demonstrated the following:

- Assuming the development is occupied for 50% warehousing and 50% industrial use, approximately 688 and 586 vehicle movements would be generated during the AM and PM peak hours. If fully occupied for 100% warehousing use, vehicle trip generation would be reduced to 488 and 440 vehicle movements during the AM and PM peak hours.
 - 100% Warehousing Use = [+96] and [-547] trips
 - 50% Warehousing / 50% Industrial Use = [+296] and [-401] trips
- Overall, when compared to changes in traffic flows associated with the extant retail and leisure consent, the proposals would significantly reduce the associated impacts of the development on the highway network during the weekday PM peak hour in particular; however, the trips generated by the employment development is likely to

increase in the weekday AM peak hour when compared to the previous retail and leisure consent and hence the off-site highways work/mitigation proposed in support of this planning application was required

Trip Distribution and Assignment

The Council's highways team have confirmed the following;

- There are no concerns with the methodology which has been used to calculate the vehicle trip distribution and assignment. Additionally, the committed developments that were identified in the TA were acceptable.
- For the M62-J32 / Park Road / A639 Colorado Way signalised junction(s), the proposed mitigation scheme is considered to offer mitigation against the significant increase in traffic which is predicted because of the development proposals.
- For the A639 Park Road / De Lacy Way Signalised junction, the development proposals are predicted to result in a reduction in junction capacity, although spare junction capacity will still theoretically be available. Overall, the proposed junction improvements are sufficient to mitigate the increase in traffic as a result of the development proposal.
- The improvement works will deliver some short to medium term improvements with respect to the operational capacity and efficiency of M62 junction 32 and approaches to that junction for 5 - 7 years post construction, although development associated with the allocations with the Council's Local Plan is likely to see capacity further squeezed over the duration of that plan period. As a result, an element of pragmatism is required when promoting the M62-J32 scheme, in that whilst it is reasonable to suggest it goes 'above and beyond' the level of infrastructure investment that might ordinarily be expected from a development proposal such as this, a level of 'expectation management' is required as the junction is still likely to experience considerable (AM and PM) peak time delays on the approaches to it (other nearby local highway network junctions) over the course of the medium-term (i.e., 5-7 years) to longer-term (i.e., 8-12 years), as a result of the future development of the Local Plan allocations.

Accident Data

The TA includes an assessment of the personal injury accident statistics which took place on the local highway network for the five-year period between April 2016 and April 2021. The Council's Highways team confirm that there are no concerns with the extents of the accident search area, or the conclusions of the TA, and it is accepted that there is no highlighted safety issue that would need to be addressed to safely accommodate traffic associated with the development.

Internal layout

The internal layout of the site is not under assessment as part of this application (this will be assessed in detail at the reserved matters stage); however, it is important to secure a series of key principles (such as sustainable and connectivity related measures) at this stage. Furthermore, the development site spine road is likely to be offered for adoption and the road must therefore be designed in accordance with principles and specification contained within the Wakefield Street Design Guide regarding the road geometry, design speed and visibility requirements.

At the eastern end of the spine road, a turning head capable of accommodating HGV and bus turning movements could be provided. It will be a requirement that all gates into the individual development parcels be set back a minimum of 15m from the edge of the carriageway to allow a HGV to wait without blocking the carriageway, as other traffic would risk backing up or over-running the centre line to pass them. Additionally, with the objective of preventing vehicles waiting to turn right from obstructing other traffic, it will be necessary to ensure that right-turn lanes for each individual development parcel to the south of the spine road form part of any future internal design.

The Council's highways team agree that the actual amount of parking provision required cannot be determined until the future reserved matters application(s) are submitted for assessment; however, as the end users and their parking demand are currently unknown, there is a possibility that the proposed parking provisions may result in overspill parking on the surrounding highway network, particularly on Spittal Hardwick Lane. Resultantly, funding was requested with the objective of securing any necessary future traffic management measures / waiting restrictions that may be required should any overspill parking from within the internal car parking areas occur. This can be secured through a section 106 legal agreement and the following has been agreed:

- £20,000 for traffic management measures on the internal spine road;
- £10,000 for traffic management measures off-site.

Sustainable Access / Non-Car Travel Modes

Pedestrians and cyclists

A shared pedestrian and cycle route is planned within the site, running from Park Road to Spittal Hardwick Lane on an east-west axis, which would be delivered to bridleway standards. Planning conditions can secure this and any associated works to connect to the existing footway on Spittal Hardwick Lane.

Buses

The supporting documents state that 90.8% of the site is within 800m of either the bus stops located on Park Road or Spittal Hardwick Lane. Although the Chartered Institute of Highways and Transportation (CIHT) "*Planning for Walking*" document recommends that people will walk 400m to access a bus stop, this is specifically regarding residential areas. A walking distance of 400m is a guideline and in reality, for employment areas, it is considered that employees would be willing to walk up to a maximum of 800m to access the bus stops on Park Road and Spittal Hardwick Lane. The majority of the remaining 9.2% of the site is proposed landscaped bunds adjacent to the northern boundary of the site, and therefore not developed for employment uses.

Bus stops are currently in place on Park Road, Colorado Way, and Spittal Hardwick Lane to the east and west of the site. The existing bus services in the area have a typical 60-minute frequency. Park Road north of the roundabout (186) does not have an evening service and has a limited Sunday service. It is noted that the 125 service was withdrawn in 2023.

The option of diverting an existing bus service into the development site remains feasible but the diversion of any (existing) bus service has pros and cons. The pros include the fact that doing so clearly benefits new employees for the companies/tenants of the on-site premises. The cons include a knock-on effect for existing bus users in the local catchment. For example, by diverting a route into the site, the route distance will increase, extending journey times and decreasing user benefits. This change may impact on users who rely on the service to access origins / destinations at specified times. Specifically, given the proposed changes to the configuration of Colorado Way and its connection to the Junction 32

roundabout, a bus serving the site in a northbound direction would need to complete a circuit of the roundabout upon exit. This would incur additional journey time, potentially in the region of up to 4-5 minutes to each journey for all existing passengers using northbound services.

The Council's public transport team originally stated that given the scale of the development, it was reasonable to request that the cost of operating an additional vehicle to integrate into the design of the local bus network in the Glasshoughton area should be secured as part of any future planning consent and that this would directly benefit this site.

Bus stop upgrades on Spittal Hardwick Lane can be secured through a section 106 legal agreement. Planning conditions can secure bus stop and turning facilities within the site.

Shuttle bus / public bus service enhancements

At this stage, it is not known whether a specific public bus service enhancement might be the best use of the financial contribution the application team has agreed to fund, therefore the option of a site operator run "shuttle bus" is another potential option. As a result, the provision of shuttle services by respective occupiers to suit their own bespoke requirements has been included as a Travel Plan measure. This would allow for services that coincide with known shift patterns and working times and link the site to surrounding bus stops and railway stations, and / or the developers preferred locations based on their employee needs. This is a common approach to large scale employment and logistics units elsewhere in Wakefield, such as the Amazon unit at Newmarket Lane. The applicant concluded the following relating to a potential future shuttle bus:

"The existing bus service is likely to become less attractive for users if diverted through the proposed development and may influence a change in travel patterns as a result. Diversion of existing services to serve the site may therefore undermine existing bus demand. Occupier-specific shuttle services are considered a more effective solution for encouraging access to the development by public transport."

Travel Plan (TP)

The Council's Travel Plan Lead Officer previously advised the latest TP is acceptable in principle, subject to the following details being agreed and reflected in the section 106 agreement and (future) "Full Travel Plan", which must be secured by a planning condition.

Revisions to the submitted Travel Plan were made and the definitive version (v 1.6 - September 2023) can be secured by a suitably worded planning condition. It was reviewed by the Council's Sustainable Transport Team who required that the developer should appoint a Travel Plan Coordinator (TPC) for the whole of the site for 5 years to monitor and consult with the Council – not just until the units are occupied. This (and a significant financial contribution to support and monitor the TP) was accepted by the applicant. A TP 5 year working budget of £30,000 / year for a minimum of 5 years was agreed totalling £150,000. Other measures to encourage and promote public transport uses outlined in the TP are as follows:

- Travel information displayed on screens / noticeboards within the employment units;
- Occupiers to sign up to the WYPTN which is a free membership scheme for any employer in West Yorkshire and offers multiple sustainable travel benefits including the Corporate MCard scheme;
- Occupiers to sign up to the MCard and Arriva corporate travel deals, allowing employees to access discounted tickets;
- Occupiers to offer annual season ticket loans to staff, allowing them to pay the ticket back through salary sacrifice.

The Council's Travel Plan Lead Officer also advised that the Travel Plan Co-ordinator (TPC) must consult with the smaller units and the larger sites (over 50 employees will have their own individual travel plan and TPC) and this must be reflected in the Travel Plan.

Framework Construction Environmental Management Plan (CEMP)

The submitted Framework CEMP provides high-level information on specific construction environmental risks, proposed mitigation and commitments identified in the ES in relation to the enabling works and construction for the proposed development.

There are no objections to the Framework CEMP in principle; however, the developer will need to submit further information prior to construction commencing with regard to construction access, vehicle routing, traffic generation, a breakdown of vehicle types, hours of operation, wheel washing facilities, contractor parking, the component layout, loading/unloading, the storage of materials and all other matters relating to construction activities prior to the commencement of the enabling works or any part of the development.

A detailed CEMP will need to be agreed with the Council prior to any enabling works or construction activities taking place.

Highways – Conclusions

The Council's highway team concludes that the development proposals are acceptable, subject to mitigation measures referred to within this section forming part of the s106 obligations and subject to the imposition of planning conditions. Mitigation measures to be secured through the s106 agreement include securing the following financial contributions:

- £30,000 towards Traffic Management Measures
- £50,000 Real Bus Time Information Contribution
- £150,000 Travel Plan Measures Contribution
- £525,000 Public Transport Contribution

Planning conditions recommended by the Council's highway engineer would require either further details to be submitted to the LPA for written approval, or to ensure compliance with submitted information. The conditions would relate to internal roads and parking areas; visibility; access arrangements; Road Safety Audits; bus infrastructure, pedestrian/cycle connectivity; cycle parking; Travel Plans; electric vehicle charging; drainage; surface water; highway structures; and a CEMP.

The specialist advice provided by National Highways, the WYCA and the Council's highway team have been considered carefully and officers agree with the conclusions. Furthermore, in taking account of the conclusions of the TA and the additional documentation submitted, the scale and nature of the development, the technical advice given by the technical consultees, the provision of contributory funding and subject to the imposition of the recommended planning conditions; it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons, the proposal is considered to be acceptable when assessed against the requirements of the NPPF and policies SP13, SP14, SP15, LP27, LP28, and LP34 of the Council's adopted Local Plan.

SECTION 8.3.5 – AIR QUALITY AND DUST

Paragraph 192 of the NPPF, together with policies SP23 and LP67 of the Council's adopted Local Plan are relevant. The NPPF and PPG advise that development proposals should be consistent with the aims and objectives of local air quality action plans and minimise the impact of development upon air quality. Local Plan policy LP67 aims to ensure that development proposals include measures to mitigate impacts upon health, environmental quality and amenity, and to prevent breaches of national air quality objectives or the deterioration of local air quality. The supporting text to Policy LP67 (see paragraph 7.220) states: developers will be expected to take proper account of air quality issues when drawing up their proposals. Within Air Quality Management Areas an air quality assessment will be required to be submitted with proposals for development. In addition, proposals for new development will be required to contribute to air quality improvement measures. Development outside Air Quality Management Areas may also require an air quality assessment. Developers will be expected to provide mitigation measures which accord with the Council's Air Quality Action Plan and the West Yorkshire Low Emissions Strategy, and associated planning technical guidance.

Objector concerns relating air quality issues have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

This site was previously – but is no longer – designated within an Air Quality Management Area (AQMA). The closest AQMA is Castleford AQMA located approximately 0.7km to the north-west of the site. Pollutant concentrations of nitrogen dioxide and particulates surrounding the application site are below the relevant air quality objectives.

A Transport Assessment (TA), Travel Plan (TP) and Air Quality Assessment (AQA) have been produced and form part of the ES. An assessment of the impacts of the development upon air quality is set out within chapter 11 of the supporting ES, which reviews baseline conditions at the site, the potential effects during the construction and operational phases, mitigation measures which can be used / implemented and residual effects. All of these documents have been assessed by the Council's Environmental Health Air Quality Officer (AQO).

A West Yorkshire Air Quality and Emissions Good Practice Technical Guidance document has been developed through joint working by the West Yorkshire Authorities and is linked to the Council's Air Quality Action Plan, the West Yorkshire Low Emissions Strategy and the West Yorkshire Transport Plan. The ES acknowledges the practice guidance document and, in accordance with the guidance, the ES identifies and assesses the two areas of potential impact: the construction phase and the operational phase, and calculates a damage cost associated with the development.

The ES identifies that the main source of potential impact during the construction phase would be from dust and particulates (primarily during the earthworks phase) and the closest sensitive receptors are those residential properties located adjacent to the site at Spittal Hardwick Lane, Stainburn Avenue and Park Road. The construction impacts assessment followed a recognised methodology and the ES concludes that with adequate mitigation the impact can be reduced to "not significant". The mitigation measures which could be used during the construction phase are detailed at sections 11.6.1 – 11.6.41 of the ES, which includes a recommendation that an Environmental Management Plan should be implemented incorporating measures to control dust and emissions during all construction phases, cover on-site construction operations and to provide adequate communication links in the event of public complaint. The Council's AQO offers no objection to this approach subject to the imposition of a planning condition to secure the written agreement and implementation of a comprehensive Construction Environmental Management Plan (CEMP) which covers all of the issues identified in the ES.

Operational impacts would primarily arise from vehicles associated with deliveries to the units and visitors/staff accessing/using the site. The ES includes a baseline traffic emissions assessment focusing on the nearest sensitive receptors which were selected based on their proximity to road links affected by the proposed development. The Council's traffic generation element of the proposal has been assessed following recognised methodologies, focussing on the 'with development' and 'without development' scenarios using a base year of 2019, an opening year of 2026 and a fully operational year of 2036. Pollutants of concern include nitrogen dioxide and fine particulates. With adequate mitigation the ES predicts that the overall impact of the scheme would be 'not significant'.

Damage costs are estimates of the cost to society of likely impacts of changes in emissions and assume an average impact on an average population affected by changes in air quality. The West Yorkshire Air Quality and Emissions Technical Planning Guidance document requires all schemes classed as 'major' to calculate the additional pollutant emissions from the transport element of the development. This was calculated using the methodology provided within Defra guidance. The 'damage cost' was calculated as £133,272, which determines the level of mitigation expected to be implemented to negate the air quality impacts associated with the proposed development.

The proposal includes the installation of an electric vehicle charging forecourt at a cost of approximately £2.5m. This could be secured by condition and far exceeds the estimated damage cost. In addition, further mitigation could be secured through the installation of on-site electric vehicle charging points, a site wide and occupier specific Travel Plans, and by ensuring that the buildings on-site incorporate renewable energy generating technologies. Financial contributions are also proposed towards the Travel Plans and public transport improvements. It is considered that suitably worded planning conditions could be imposed to guarantee that adequate mitigation is secured to ensure the development is acceptable.

In taking account of the nature and scale of the development, the conclusions of the air quality assessment, the technical advice provided by the Council's AQO and subject to the imposition of planning conditions, it is considered that the proposal is capable of not undermining air quality objectives within the area and thereby complying with national planning policy relating to air quality within the NPPF and policies SP23 and LP67 of the Council's adopted Local Plan.

SECTION 8.3.6 – AMENITY ISSUES

Chapter 15 ('Conserving and enhancing the natural environment') of the NPPF requires, amongst other things, that decision takers ensure that noise from new development does not give rise to significant adverse impacts on health and quality of life, and to reduce and mitigate noise impacts through the use of planning conditions. Paragraph 191 states that development should be appropriate for its location taking into account the likely effects of all pollution including mitigating and reducing to a minimum potential adverse impacts of noise from new development. Local Plan policies LP56 (part n) and LP67 of the Council's Local Plan relate to pollution control and the impact of development on health, environmental quality and amenity, and seek, amongst other things, to ensure that development has no significant, detrimental impacts on the amenity of nearby residents.

Objector concerns relating to amenity issues have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

The site is located adjacent to the M62 motorway, which provides the main source of constant background noise in the locality. The closest residential properties to the site are those located along Stainburn Avenue and Park Road to the west, the Holywell Farm

complex to the north-west, Park View to the north-east and Spittal Hardwick Lane to the east. Public Rights of Way adjoin the site.

The proposed development will generate noise during both the construction and operational phases. Accordingly, an assessment of the impacts of the development upon residential amenity through noise and vibration has been undertaken, which is set out within chapter 10 of the supporting ES.

The assessment includes details of a baseline noise survey which was undertaken during June 2022 to establish baseline noise levels at sensitive locations around the site. The survey calculated the noise impacts for each phase of the development including the enabling and construction phase and noise associated with the operation of the completed development. The assessment also highlights mitigation measures which could be implemented during both phases and the resultant overall impact.

The chapter contains the following conclusions:

- The greatest noise impacts are anticipated to occur during the daytime within the construction period, particularly during the site preparation/earthworks phases. However, through mitigation including the implementation of a Construction Environmental Management Plan (CEMP), the impacts can be reduced to acceptable levels.
- The construction of the site bunds / landscaped mounds will be undertaken in an early phase of works which will reduce the impacts of construction works in later phases of the development.
- During the operational phase of the development, noise mitigation will be in place to ensure noise levels do not exceed background noise levels.

The Council's Environmental Health Officer (EHO) has assessed the submitted information and has not raised any concerns relating to the methodology used in the undertaking of the noise assessment and the identification of the nearest noise sensitive locations. However, the EHO identifies that noise from the proposed development is likely to arise from: the construction phase of the development, plant and equipment associated with the proposed units, loading/unloading operations within the delivery yards of the proposed commercial units, and increased traffic movements.

In terms of the construction phase, the Council's EHO advises:

- *Figure 4.3 titled "Proposed Site Levels" shows two landscaped mounds incorporated into the cut and fill earthworks, on the east wrapping around to the north-east and the west side of the development. These are to be constructed at the start of the works. It is claimed these mounds are not proposed noise mitigation as such, but once they are constructed, they will break line of sight to the works and are expected to provide at least 10 dB attenuation from construction noise impacting properties on Stainburn Avenue and Spittal Hardwick Lane.*
- *The only exception to this is the properties at the southern end of Stainburn Avenue (No's 1a and 2-4) which will not be screened from the highway construction works to the south. It is acknowledged the earthworks south of these properties is relatively small scale and the predicted noise impact from these works may not have a significant effect. However, in the absence of acoustic screening at this location there is concern that colleagues in the Community Protection Team will receive noise complaints from residents at No's 1a -4 Stainburn Avenue. To reduce this potential, it is recommended a temporary acoustic barrier is introduced. This noise control could be included in the CEMP or addressed by planning condition.*

- *The two landscape mounds (Fig 4.3) are instrumental in reducing construction and operational noise. Therefore, it is recommended they are constructed with finished levels no less in height and extent than Fig 4.3. This could be secured by planning condition.*
- *During construction works the highest noise levels are expected due to the earthworks during the enabling stage. It is anticipated the enabling works will take approximately 12 months to complete. Without additional mitigation beyond standard best practicable means, construction noise levels associated with creating the landscaped mounds on the northern, western and eastern boundaries could cause some disturbance. Construction of the proposed landscaped mounds as early as possible will minimise the potential noise effects of the later enabling works. Additionally, if piling is required, depending on the piling type adopted by the construction contractor, relatively high noise and vibration levels could cause some disturbance. Ground compaction also offers the potential for effects of moderate significance. By way of mitigation a Framework CEMP (Appendix 4.1) is proposed. It's claimed when implemented by the construction contractor it will ensure that the significance of construction noise and vibration effects at residential receptors is no worse than Minor Adverse i.e. not significant. With reference to and including the acoustic barrier mentioned above, the mitigation measures proposed to manage noise and vibration are considered acceptable for a final CEMP.*
- *If there are provisions within the scope of construction work for artificial lighting, it is recommended the CEMP includes measures to reduce the potential for neighbouring residents and occupants from being disturbed by light pollution.*

In terms of the operational phase, the Council's EHO advises:

- *Without mitigation, noise impacts associated with HGV deliveries and service yard activities during the night are expected to exceed background noise by +5dB at Stainburn Avenue, +2dB at Park View and +4dB at Spittal Hardwick Lane. Such impacts align with a minor adverse effect and exceed Wakefield Councils criteria to protect residents from commercial and industrial noise. Mitigation includes the installation of a number of acoustic barriers which the EHO recommends are secured by condition:*
 - *3m high barrier along the western edge of the site, between the access road and Stainburn Avenue.*
 - *6m high barrier along the northern boundary of the Unit 5 service area, blocking line of sight to Park View.*
 - *2.5m high barriers along the southern edge of the internal access road next to the unit 4 access, eastern edge of Unit 13 loading area and eastern edge of the access road to Unit 4, blocking line of sight to Spittal Harwick Lane.*
 - *3m high barrier on the eastern edge of the Unit 4 loading area, blocking line of sight to Spittal Hardwick Lane.*
- *At the reserved matters stage, it is recommended each unit occupier develops an Operational Noise Management Plan (ONMP)*
- *The change in road traffic noise on public roads in the vicinity correlates to <3dB, which aligns with a minor adverse impact. Therefore, mitigation is not necessary.*

- *When considering the mitigation measures applied to operational noise, the worst affected residents are located at Spittal Hardwick Lane (night-time). During the day the predicted impact complies with background noise but exceeds background noise by +1dB at night-time. This aligns with an impact of minor adverse significance and a change in noise level that would not be perceptible.*

Overall, the Council's EHO identifies a number of potential issues but does not raise any substantive objections to the development concluding: *In principle, based on the comments above, there is no objection to this development proposal.*

Mitigation will be secured via conditions including securing the following details to be implemented on site:

Construction phase –

- Prohibiting commencement of development until a Construction Environmental Management Plan (CEMP) has been agreed.
- Ensuring no piling works are undertaken unless and until a further assessment and mitigation scheme has been agreed.
- Prohibiting commencement of development until a scheme detailing temporary acoustic fencing has been agreed.
- Restricting hours during which construction works can be undertaken (it is recommended that no construction works be undertaken on Sundays or Bank Holidays, or outside the hours of 07:30 and 18:00 Mondays – Fridays and 08:00 and 13:00 on Saturdays).

Operational phase -

- No unit to be brought into use until details of permanent acoustic fencing has been agreed and installed
- No unit to be brought into use until an Operational Noise Management Plan (ONMP) has been agreed.
- No external plant to be installed to any unit until details have been agreed.
- No unit to be brought into use until details of all external lighting has been agreed.

Overall, the assessment and conclusions contained within the ES are accepted. Furthermore, officers agree with the specialist advice provided by the Council's EHO. A development of this scale and nature will inevitably have some impacts upon nearby residential properties, particularly those in closest proximity to the site. It is agreed that impacts will be greatest during the construction phase; however, this would be for a temporary period and mitigation is both proposed within the EIA and recommended by the EHO. Subject to mitigation being secured, officers consider that impacts during the construction phase would be acceptable. Similarly, the key impacts during the operational phase have been assessed and found, on balance, to be acceptable, subject to the mitigation highlighted in this section being secured.

In conclusion, it is considered that subject to the imposition of planning conditions to secure appropriate mitigation, the impacts upon the residential amenity of surrounding properties would be acceptable. The proposal does not conflict with policy within the NPPF and is acceptable when assessed against policies LP56 and LP67 of the Council's Local Plan.

SECTION 8.3.7 – GROUND CONDITIONS

Policy and overview of assessment

Paragraphs 189 and 190 of the NPPF and policy LP69 (Contaminated Land and Unstable Land) of the Council's Local Plan are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Furthermore, chapter 17 of the NPPF (Facilitating the sustainable use of minerals) advises, amongst other things, that Mineral Safeguarding Areas (MSAs) should be defined and encourages the prior extraction of minerals. Within the Wakefield District MSAs have been allocated which denotes the limits of the concealed coal resource within the district, the purpose of which is to safeguard potentially economically viable deposits of coal in the district from development that could result in their sterilisation. The site lies within designated MSA6, therefore Local Plan policy LP38 is relevant which requires that applications on sites over 2 hectares must be accompanied by supporting information demonstrating that mineral resources will not needlessly be sterilised.

Objector concerns relating to ground conditions have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

An assessment of the impacts of the development upon ground conditions, including land and groundwater contamination, land stability, geology and minerals has been undertaken, which is set out within chapter 12 of the supporting ES. A supporting Geo-environmental Appraisal Report (dated August 2022) (incorporating a Coal Mining Report, dated June 2022), Coal Risk Assessment & Extraction Viability Report (dated August 2022), and a Slope Stability Assessment of proposed Cut Slope (dated August 2022) have also been submitted and are contained in appendices 12.1, 12.2 and 12.3 of the ES.

The assessments review baseline conditions at the site, the potential effects during the construction and operational phases (upon soils, geology and groundwater), mitigation measures which can be used/implemented, and residual effects.

Objector concerns relating to ground conditions, stability and contamination have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

Contamination

With the exception of a small area of hardstanding and a building located in the south-west corner of the site, the majority of the site comprises undeveloped, greenfield land, which has a former agricultural use.

In terms of land and groundwater contamination, the ES outlines that no significant contamination sources were identified within the desk-based and intrusive investigations which were undertaken. Furthermore, topsoil - typically 300mm thick - underlies the entire site, which testing shows is suitable for re-use. Nevertheless, some construction activities may create and/or introduce new sources of contamination to groundwater including: excavation and filling operations ('cut and fill'), earthworks, re-grading and landscaping, foundation construction, groundwater dewatering, and the installation of drainage and services. Primarily, impacts would be most likely to arise from concrete spillages and leakage of fuel/lubricants; however, it is concluded that subject to the adoption of good site practice there should be no adverse impact upon groundwater quality.

The studies identify that additional gas monitoring and risk assessment will be required to be undertaken prior to the commencement of construction works; however, the development is expected to have a negligible effect on the current ground gas regime. Once complete the development may lead to changes in ground water conditions due to the placement of new

areas of hardstanding and potential contamination arising from spillages of chemicals or contaminated run-off; however, mitigation summarised below could be implemented which would reduce the potential impact to 'negligible'.

Recommended mitigation measures contained within the ES include the preparation and implementation of a Soil Management Plan (for soil excavation, handling and storage); pollution management measures to be set out within a CEMP, such as pollution control, silt management measures and presence of unexpected contamination; gas protection measures to be incorporated into the design of new buildings; a foundation works risk assessment to be undertaken prior to construction and the adoption of occupier specific Environmental Management Plans.

The ES concludes that taking the historical use of the site together with the results of the desk-based and intrusive investigations, the risk of contamination at the site is very low and that subject to appropriate mitigation, including the preparation and implementation of an Environmental Management Plan, the residual effect during the construction and operational phases are 'negligible'. Overall, no significant, adverse impacts are anticipated.

The Council's Land Quality Officer (LQO) has reviewed the submitted reports and does not raise any issues with the methodologies used or the conclusions made within the assessments. The LQO confirms that there are no objections to the development proceeding and advises:

- The landfill, underlying coal measures and coal seams could pose a risk to the development from ground gases and gas protection measures are required and can be secured by condition;
- The UK Radon Map shows the site in the 1-3% radon action level zone; therefore radon protection measures are not required;
- Basal Permian Sands are unlikely to pose a significant risk to the development;
- The land is not listed on the Council's Part 2A list of potentially contaminated sites. Historic maps indicate agricultural/open fields land use apart from a former commercial building and the roads in the south-western area of the site. The potential risks of significant contamination is assessed as low given the previous use and the proposed commercial land use.

The Council's LQO recommends the imposition of planning conditions relating to the monitoring and remediation of ground gas which should be implemented should any unexpected contamination be encountered on site. In addition, conditions identified within the ES relating to a Soil Management Plan and an Environmental Management Plan could be imposed.

The Environment Agency and Yorkshire Water do not offer any objections to the development relating to pollution and consider that appropriate drainage measures can be agreed and installed through the imposition of planning conditions.

In taking account of the findings of the Geo-environmental Appraisals, the information detailed within the ES and supporting technical documents, the existing and historical use/function of the site, the nature and scale of the proposed development, the technical consultation responses received and subject to the imposition of recommended planning conditions to secure adequate mitigation, it is considered that the proposed development would not have any detrimental impacts upon land or groundwater contamination.

Land stability, mineral safeguarding and geology

As detailed within the Geo-environmental appraisals, the ground investigations have identified the presence of three coal seams of shallow depth (within 30m of the surface) within the site:

- Sharlston Muck coal (average 0.75m thick) – only present at very shallow depth within the centre-north of the site. This seam could yield up to 9,150 cubic metres of coal mineral.
- Sharlston Low coal (average 0.95m thick) – approximately 7m below the Sharlston Muck. This seam could yield up to 80,750 cubic metres of coal mineral.
- Sharlston Yard coal (average 0.7m thick) – immediately below Glasshoughton rock; approximately 25m below Sharlston Low.

The Coal Authority (CA) holds records of three known mine entries and those within the north and far south-east of the site are located within the CA Development 'High Risk' Referral Area. The ES identifies the extent of works to be undertaken on site which in summary include: the excavation of the Sharlston Muck and Sharlston Low coal seams; addressing issues associated with existing mine entries, and stabilising the land using cut and fill operations to provide a development platform.

The Council's Minerals Officer (MO) has been consulted and whilst no comments have been made relating to this application, officers note that in assessing previous applications at the site no objections were raised and it was concluded that the environmental effects of any earthworks, land remediation, coal extraction and engineering operations can be controlled by the imposition of planning conditions.

The CA has been consulted and, in summary, has confirmed that:

- The application site falls within the defined Development High Risk Area.
- Their records indicate the presence of several mine entries within, or within 20m of the site and that the site is located in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth.
- The submitted assessment and documents are considered to be an appropriate range of sources and information.
- Based on their review of up-to-date coal mining and geological information the reports positively identify the need for a comprehensive scheme of investigations and remedial works to nullify the risks posed by the recorded mine entries on site and the identified shallow coalmine workings.
- There are no objections to the proposed enabling works, coal extraction, formation of development platforms and the access/highway infrastructure.
- The CA welcome the indicative layout of the outline element of the proposal which appears to have been designed around the mine entries and their respective zones of influence. Any subsequent future development layout will need to be designed around these coal mining legacy features.
- Further intrusive investigations should be undertaken and remedial works/measures agreed.
- Risk from mine gases should be addressed.

Ultimately, the CA offers no objections to the development and concludes by stating:

The Coal Authority concurs with the conclusion / recommendations of the information prepared by Lithos Consulting limited in that parts of the site are likely to be at risk from former coal mining activity. Therefore, in order to inform the extent of any

remedial and / or mitigation measures that may be required to ensure that the development will be safe and stable intrusive ground investigations are required.

The Coal Authority considers that the content and conclusions of the Coal Risk Assessment and Extraction Viability Report (March 2014) are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority therefore has no objection to the proposed development subject to the removal of the coal mining features by the cut and fill earthworks as described in the Coal Risk Assessment and Extraction Viability Report. Additionally, more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application”.

Should planning permission be approved, the CA have provided the wording of the required conditions and also advise that in the interests of public safety an informative note be appended to the decision notice highlighting the developers' responsibilities and providing guidance about where further information can be obtained.

The West Yorkshire Geology Trust (WYGT) has been consulted and does not raise any objections to the proposed development. The Trust advise that the Holywell Wood Local Geological Site which is located to the north of the application site is of *considerable geological importance* due to it being *an exposure of the Permian Yellow Sands* which they advise is of great heritage value in the Glasshoughton and Castleford areas. They have stated: *the proposed site does not appear to affect the Local Geological Site in Holywell Wood, which is of regional importance for its exposures of Permian Yellow Sands. Excavations into the Coal Measures rocks during the construction work may uncover some interesting features, but these are not likely to be of regional importance in our view.* The comments of the Trust are noted and it is considered that there is no evidence to demonstrate that the proposed development would have any detrimental impacts upon the Holywell Wood Local Geological Site.

Having carefully considered the specialist advice provided by the CA and in taking account of the comments of the WYGT, officers consider that the proposed development can be undertaken without adversely affecting land stability or creating an adverse risk to the future occupiers of the site. Prior extraction of the remaining shallow coal seams is considered to be beneficial and no detrimental impacts would accrue to the adjoining Holywell Wood Local Geological Site.

Ground conditions conclusions

For the reasons detailed within this section, it is considered that subject to the imposition of recommended planning conditions, the proposed development can be undertaken without giving rise to adverse land and groundwater contamination issues and without adversely affecting land stability or local geology. Furthermore, the prior extraction of the remaining Sharleston Muck and Low coal as part of land remediation operations would prevent the sterilisation of this mineral resource which is considered to be beneficial. Officers also acknowledge that these operations can be undertaken irrespective of the outcome of this planning application as they have been permitted following the approval of previous outline, reserved matters and discharge of condition applications at the site. Under previous approved applications, planning conditions were imposed relating to remediation, unexpected contamination, soil management, and mitigation for mining activities.

Overall, issues related to ground conditions are considered to have been appropriately and adequately assessed and addressed, and for the reasons set out in this section, the

proposal is considered to comply with the requirements of the NPPF and policies LP38 and LP69 of the Council's development plan. Furthermore, an informative note could be appended to the decision notice in the event that planning permission is granted to advise the applicant that paragraph 190 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

SECTION 8.3.8 – FLOOD RISK AND DRAINAGE

Chapter 14 ('Meeting the challenge of climate change, flooding and coastal change') of the NPPF, and policies LP29 (flood risk) and LP30 (drainage) of the Council's Local Plan are relevant.

The NPPF advises that, amongst other things, new developments should be planned to avoid increased vulnerability to climatic changes such as flood risk, should be directed away from areas of the highest risk of flooding and should ensure that development does not increase flood risk elsewhere. This is re-iterated within the Council's local planning policy. Policy LP29 requires that development proposals should not be located where they would be at risk from flooding and should not increase flood risk elsewhere. Policy LP30 requires surface water to be managed using sustainable drainage techniques unless it can be demonstrated that they are not technically feasible and states that development will only be permitted if the infrastructure required to service the development is available or the provision of infrastructure can be co-ordinated to meet the demand generated by the new development.

Objector concerns relating to flood risk and drainage impacts have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

The majority of the site falls within flood zone 1 (low risk) of the Environment Agency's flood risk mapping system; however, a small part of the site in the south-east corner falls within flood zones 2 and 3. Development proposals in these zones are also required to comply with NPPF flood risk standards and satisfy NPPF sequential and exception test requirements. The site is currently an undeveloped, former agricultural field and the proposal would provide a large area of new buildings and hardstanding area which would require mitigation.

An assessment of the impacts of the development upon flood risk and feasibility work relating to drainage infrastructure is set out within chapter 13 of the supporting ES. A Flood Risk Assessment (FRA) (dated November 2022) has also been submitted and is contained within appendix 13.1 of the ES. At the request of statutory consultees for revisions and further information, further versions of the FRA have been submitted for assessment with the final version being that dated June 2023. The documents review baseline conditions at the site, the potential effects during the construction and operational phases, mitigation measures which can be used / implemented and residual effects. A number of additional technical drawings detailing temporary drainage works during the construction / enabling phases have also been submitted.

In summary the following conclusions are made within the supporting documents:

- An existing watercourse crosses the site along with a man-made irrigation trench, both of which drain to Fryston Beck via a culvert beneath the motorway.

- The proposed development is compatible with Flood Zone 1.
- Development proposals in Flood Zones 2a and 3 are required to comply with NPPF flood risk standards and satisfy NPPF sequential and exception test requirements.
- The majority of development of buildings, yards, access roads etc will be kept out of the higher flood risk zones. However, there is some encroachment into the higher flood zones caused by the parking area proposed to Unit 5, resulting in a loss of 6,137m³. To offset / compensate for this loss of flood storage volume, the proposal is to increase the depth of existing ground in the south-eastern portion of the site within the existing flood zone.
- All forms of flood risk to the site have been assessed and it has been determined that there is low risk of flooding to the proposed development. A strategy has been proposed to deal with existing overland surface water flood risk and steps taken to ensure in the event the existing culvert is blocked, the proposed buildings floor levels will be higher than the flood level.
- Site wide measures are designed to ensure external ground levels will be designed to direct any surface water flow away from building thresholds. The design surface water flow from the proposed development will discharge to the existing watercourse to the south-east of the site.
- A Sustainable Urban Drainage System (SuDS) will be developed as part of the detailed drainage design.
- The effect of the Proposed Development on fluvial flood risk in terms of loss of flood storage is assessed as 'negligible'.
- With the management of surface water in place, the discharge rate of storm water runoff will be maintained as per greenfield (existing) rates therefore the significance of effect is assessed as 'negligible'
- During operation the proposed development would have a 'negligible' significance of effect on the public sewerage system.
- With the proposed use of Sustainable Drainage Systems (SuDS) embedded into the design of the proposed development, including the pre-treatment of water the significance of effect on watercourses, including Fyston Beck, is assessed as 'minor beneficial'.

The ES also details a number of mitigation measures which would be used / implemented. During the construction phase this would include the implementation of an agreed Construction Environmental Management Plan (CEMP). The final detailed drainage scheme for the site would incorporate on-site attenuation measures, SuDS and water treatment techniques. This includes the provision of surface water ponds which would form part of the POS element of the development, which would be used to store development run-off on-site prior to discharge off-site. The ES identifies that subject to appropriate mitigation the residual effects upon flood risk at all receptors during both the construction phase and following completion of the development would be 'negligible'.

The Environment Agency (EA), Yorkshire Water (YW) and the Council's Drainage Team acting in their capacity as Lead Local Flood Authority (LLFA) have all been consulted and have reviewed the methodology, findings and proposed mitigation contained within the supporting documentation.

The EA initially issued a holding objection and requested further detail be provided relating to flood risk and flood risk sequential testing. Specifically, the EA requested that a revised FRA should be provided to adequately address flood risk taking account of climate change allowances, flood storage compensation, floor levels and resilience measures, and safe access/egress routes.

Following extensive dialogue and revised FRAs being submitted for review, in June 2023 the EA lifted their holding objection and confirmed that they had no objection to the development proceeding subject to the imposition of a planning condition requiring the development to be carried out in accordance with the mitigation contained within the June 2023 FRA (Finished floor levels shall be set no lower than 25.600 metres Above Ordnance Datum (AOD); the fluvial compensatory storage to be constructed in accordance with drawing number “7983-MJM-XX-XX-SK-C-0008” REV P01 DATED 05/06/2023; and, the compensatory storage to be implemented prior to any other development or land raising on site). The EA also provided advice relating to the maintenance of compensatory storage, flood resilience and flood warnings.

YW make a number of observations relating to site drainage but do not offer any objection to the development; however, they do recommend the imposition of planning conditions to ensure that the site is developed with separate systems of drainage for foul and surface water (in accordance with a scheme which has been submitted for written approval), and that details of foul water disposal have been submitted and agreed.

The LLFA initially issued a holding objection and requested further detail be provided relating to temporary drainage measures to be used during the construction / enabling phases. Following the receipt of additional information, the LLFA have confirmed that their holding objection is removed and that there are no objections to the development proceeding. The LLFA advise that in order to address outstanding issues a number of planning conditions should be imposed, including the submission of the following details for written approval and to secure their implementation:

- On-site temporary drainage measures during the construction/enabling phases.
- Permanent measures for foul and surface water drainage.
- Treatment measures for surface water flows from parking areas and hardstandings.

Officers have considered carefully the technical information provided and the specialist advice provided by the consultees.

In terms of the sequential and exception tests, the majority of the site is located within flood zone 1 in which all types of development are acceptable in principle; however, part of the south-east corner of the site falls within flood zones 2 and 3. In response to comments made by the EA and raised by officers, the amended FRA dated June 2023 contains an appendix entitled ‘Flood Risk Sequential and Exceptions Test Note’ (appendix L) which explains that there is no other site that could accommodate the development proposed stating: *The proposed development cannot be located on an alternative site that would not result in encroachment into Flood Zones 2 and 3 due to the need for the development to have a ‘real and direct’ link to the Wheldon Road site stadium improvements (sought through planning application 22/02274/FUL) by virtue of the existing implemented planning permission for a replacement stadium on the Axiom site and therefore that no other site can realistically provide the required upgrades to Junction 32 of the M62 that help to resolve existing capacity issues given the land required from the site to deliver these upgrades. As a result of this, the proposals are considered to deliver sustainability benefits that outweigh the very minor flood risk given the level of encroachment and low vulnerability of the proposed uses*

For reasons explained elsewhere in this report, officers accept that the development is intrinsically linked to the upgrade works at Wheldon Road and therefore cannot be located on an alternative site (even if one existed which could accommodate the level of development proposed). Furthermore, as also set out in the note ‘the proposed development results in the loss of 6,137 cubic metres of flood storage volume but in return provides 47,161 cubic metres of new storage, almost eight times the amount lost representing a material betterment’.

In taking these factors into account it is considered that the sequential test is passed and an exception test is not required in this instance.

In terms of overall flood risk and drainage, following the submission of the revised and additional information, it is considered that the feedback provided by the technical consultees is sufficient for officers to conclude that in principle the development could be undertaken without increasing flood risk at the site or making flood risk elsewhere worse, and that it is feasible to install suitable on-site drainage infrastructure to accommodate the development. Detailed temporary and permanent drainage schemes can be secured through the use of planning conditions as requested by the consultees.

Overall, in taking account of the characteristics of the site, the conclusions of the ES (and the supporting FRA and drainage documentation), the advice provided by the specialist drainage consultees and subject to the imposition of the recommended planning conditions, it is considered that in principle the development could proceed without increasing flood risk at the site or making flood risk elsewhere worse, and that it is feasible to install suitable on-site drainage infrastructure to accommodate the development. The proposal is therefore considered to be acceptable and capable of meeting the requirements of the NPPF and policies LP29 and LP30 of the Council's development plan.

SECTION 8.3.9 – SUSTAINABILITY AND CLIMATE CHANGE

National planning policy within Chapters 9 (Promoting sustainable transport) and 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF are relevant, together with policies SP24 (Mitigating and Adapting to Climate Change & Efficient Use of Resources), LP32 (Renewable Energy Generation Technology) and LP33 (Sustainable Construction and Efficient Use of Resources) of the Council's Local Plan.

The NPPF advises that LPAs should expect new development to (i) comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable, and (ii) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption (paragraph 162).

Local Plan policy SP24 requires, amongst other things, that development should avoid unacceptable levels of flood risk and manage surface water through the promotion of SUDS, take measures to reduce carbon emissions, use natural resources prudently and efficiently, and incorporate on-site renewable energy generation technology unless it is not feasible or viable. Local Plan policy LP32 requires that large developments above specified thresholds incorporate on-site renewable energy generation technology unless it can be demonstrated that it is not technically feasible or financially viable, or there are demonstrable alternative decentralised renewable or low carbon energy sources. Policy LP33 requires new development to be energy and water efficient and achieve a BREEAM standard of 'excellent' for non-residential developments over 1,000sqm.

Objector concerns relating to sustainability issues and climate change impacts have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

Chapter 14 of the supporting ES relates to 'Climate Change' and includes an assessment of the resilience of the development to the potential impacts of climate change, and the potential effects of the proposed development upon the magnitude and mitigation of greenhouse gases emitted during construction and operation. The supporting Design & Access Statement also includes a section on 'Sustainability and Energy' and a BREEAM pre-assessment has also been provided.

In summary, the following conclusions are made within the supporting documents:

- Detailed designs and a sustainability strategy for each unit and plot will be submitted at the reserved matters stage, however, it is intended that the Employment and Logistics development will be designed to achieve a BREEAM 'Very Good' rating as a minimum (following negotiations an 'Excellent' rating has been agreed).
- As the proposed buildings that will form part of the completed development are only being applied for in outline, detail of the energy performance and any renewable energy generation on site will be included within the reserved matters applications prepared for the later phases of development. Given recent changes in Building Regulations, it is anticipated that planning policy requirements will be exceeded in terms of reducing carbon emissions based on 2015 levels simply through compliance with the most recent requirements of Part L.
- The final details of the design of the buildings will be agreed through the reserved matters process although it is envisaged that a number of sustainability measures will be incorporated including efficient insulation, natural ventilation and the use of natural lighting and energy efficient LED lighting.
- Sustainability is integrated into the proposals in the form of: Sustainable Drainage Systems (SuDS) introduced within the proposed surface water system to consist of filter drains and swales within car park areas, oil separators and silt interceptors; Integration with the surrounding area by providing electric charging facilities, improved pedestrian connectivity and cycle routes; Consideration of the existing ecology and biodiversity on-site and how this can be enhanced with the achievement of a net gain through off-site contributions; Delivering a new public open space for recreation, creating a space that promotes health and wellbeing.
- Remediation and re-distribution of soil from ground modelling as fill material to minimise the carting away and disposal of waste off site
- Renewable energy sources such as roof mounted PV panels will be reviewed and applied where practicable
- The length of the construction phase of the proposed development is such that significant effects are not expected to occur. For the operational phase, a quantitative assessment was undertaken on vehicular emissions from end users, which concluded that the proposed development would result in a permanent, minor adverse effect.
- Mitigation can be secured through details to be approved via CEMPs, energy statements and travel plans.
- An electric vehicle charging station will be provided within the development.

The agreement and implementation of CEMPs, Travel Plans, SuDS and ecological mitigation have been discussed in other sections of this report and can be agreed and secured by conditions. Furthermore, the sustainability measures highlighted above are accepted and it is considered that further information relating to energy efficiency measures and renewable technologies could be provided at the reserved matters stage.

Based upon the information submitted it is considered that should planning permission be approved it would be both reasonable and necessary to impose planning conditions to ensure that in addition to agreeing and securing the CEMPs and Travel Plans, that detailed schemes are submitted to demonstrate specifically how the development will meet the requirements of policies LP32 and LP33 of the Local Plan and to secure implementation. Subject to the imposition of planning conditions the scheme is considered to be capable of complying with the requirements of the NPPF and policies LP32 and LP33 of the Council's Local Plan.

SECTION 8.3.10 – SAFETY AND SECURITY

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to ‘do all that it reasonably can to prevent crime and disorder in its area’. Chapter 12 (‘Achieving well designed and beautiful places’) of the NPPF states at paragraph 135(f) that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder and, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policies SP23 (Design, Safety and Environmental Quality), LP56 (Design of New Development) and LP60 (Safety And Security Through Design) of the Council’s Local Plan aims to ensure that new development contributes to creating safe and secure environments and reduces opportunities for crime.

Objector concerns relating to safety and security have been considered carefully noting that these issues require the application of planning judgment by the decision taker.

The supporting Planning Statement contains a section entitled ‘Security and Counter Terrorism Statement’ which outlines relevant planning policy and guidance. The Statement confirms that whilst the detailed design and layout of the individual units and their associated areas will come forward at the reserved matters stage, careful consideration will be given to ensuring appropriate security measures, boundary treatments and CCTV are installed. The development is not considered high risk from a security perspective and the use would present limited opportunities for the attraction of crowds. Whilst there would be permeability through the site for members of the public via the pedestrian and bridleway routes, the units and their associated areas would be off limits to the public and would be secured.

The supporting documentation and the indicative site layout plans have been assessed by technical consultees including: the West Yorkshire Police Architectural Liaison Officer (PALO), the North-East Counter Terrorism Team, British Transport Police (BTP), Network Rail and Northern Rail.

The West Yorkshire PALO makes a number of comments and recommendations relating to boundary treatments; external lighting and monitored CCTV; secure parking, access control and bicycle storage; physical security for individual units; on site surveillance; public rights of way and footpath / cycle routes; and open space. The PALO ultimately concludes by advising: *West Yorkshire Police have no objection in principle, providing that the recommendations are considered and implemented where possible should as part of any planning approval.*

The North-East Counter Terrorism Team have reviewed the proposal and offer no objections to the development proceeding but do advise ‘*this development should not be commenced until security measures have been agreed by the Planning Officer, Designing Out Crime Officer, and the Counter Terrorism Security Advisor - or the development shall not be occupied until security measures have been agreed, or implemented*’.

BTP advise that ‘*the development should not impact on the operation, maintenance and authorised access to the railway. The body responsible for the provision of the railway infrastructure (Network Rail - NWR) should be made aware of this application seeking their comments and requirements from the onset*’.

Network Rail and Northern Rail were both consulted and offered no comments.

Clearly, the proposed development would result in a significant number of people accessing and using a site that is currently free from built development, which consequently has the potential to increase the risk of crime occurring at the site. However, additional details would

be required to be submitted at the reserved matters stage and, in addition, planning conditions could be imposed to ensure that the following details are submitted to the LPA for written approval ahead of any development commencing on site:

- Details of all external lighting.
- Details of CCTV provision within the site.
- Details of specific measures to be used to design out crime within each phase / part of the development.

It is therefore considered that safety and security measures can be designed and incorporated within the scheme to minimise the risk of crime. Furthermore, the PALO and NE Counter Terrorism Team would be re-consulted at the reserved matters stage to comment on the specific layout and design of the buildings, and open spaces within the site.

In terms of on-site security, it is considered that details provided at the reserved matters stage together with planning conditions which could be imposed, would adequately ensure that measures are designed and incorporated within the scheme to minimise the risks of crime and to prevent occurrences of anti-social problems. As no objections are raised from the West Yorkshire Police and Counter Terrorism Team, BTP or the rail companies, it is concluded that the proposal is capable of complying with Section 17 of the Crime and Disorder Act 1998, the requirements of the NPPF and policies SP23, LP56 and LP60 of the Council's Local Plan.

An informative note could be appended to the decision notice to advise the applicant of the recommendations made by the PALO to inform their subsequent applications.

SECTION 8.3.11 – CULTURAL HERITAGE AND ARCHAEOLOGY

When assessing applications for development involving listed buildings and Conservation Areas, decision makers must have regard to the statutory duties under The Planning (Listed Buildings and Conservation Areas) Act 1990. The Act requires LPAs to have “special regard” to preserving nationally listed buildings, their setting or any features of special architectural or historic importance which they possess (Sections 16(2) and 66(1)), and to “preserve and enhance” the character of designated Conservation Areas (Section 72).

Heritage is a core principle of the planning system and chapter 16 (‘Conserving and enhancing the historic environment’) of the NPPF requires that decisions are made which recognise that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The NPPF requires applications to assess the significance of heritage assets and their setting at a level proportionate to the assets’ importance and also requires that the effect of a proposal on a non-designated heritage asset be assessed. In considering impacts on non-designated assets, LPAs are required to balance the scale of any harm or loss against the significance of the heritage asset.

NPPF paragraphs 205 - 214 outline the approach to decision taking and the policy requirements which are applicable dependent on the degree of harm (if it is concluded that harm arises from a proposal).

Local Plan policy SP23 states that: The district's historic, built environment, landscape features and wildlife habitats will be protected and enhanced. They contribute to the local distinctiveness and character of the district. Part d of this policy requires development to conserve and enhance the district's historic assets and their contribution to the local

distinctiveness and character of the district, in a manner which will also help in their management, understanding and enjoyment. Development proposals must seek to avoid or minimise any conflict with a heritage asset's conservation. Local Plan policies LP63 (Conserving the Historic Environment), LP64 (Designated Heritage Assets), LP65, (Non-designated Heritage Assets) and LP66 (Development Affecting Archaeological Sites) all relate to heritage preservation when determining planning applications.

An assessment of the impacts upon Cultural Heritage and Archaeology is contained within chapter 15 of the supporting ES which incorporates the results of an archaeological desk-based assessment, a geophysical survey, an archaeological trial trenching evaluation, test pitting and a strip, map and record excavation. The assessment identifies all assets within a 1km radius of the application site and the justification for this approach is set out and accepted. In summary, the ES concludes that:

- There are no designated assets (Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens or Registered Battlefields) within the application site and therefore no designated heritage will be directly impacted by the proposed development. The nearest designated asset is a grade II listed building ('Public Urinal to East of Post Office') located approximately 180m to the north-west of the site; however, the proposal would not have any detrimental impacts upon this or any other designated assets.
- The results of the archaeological desk-based assessment, geophysical survey, archaeological trial trenching evaluation, test pitting and a strip, map and record excavation indicate that there is evidence of at least eight phases of activity present on site, spanning from the Mesolithic to the Modern period; however, whilst the findings have been recorded the fieldwork has not identified any features which are likely to be designated. WYAAS have advised that the archaeological information recovered is of regional significance and the programme of archaeological investigation and mitigation undertaken has preserved the archaeological deposits.
- Mitigation in the form of further post-excavation assessment, analysis, reporting and publication will be carried out. This will be secured by condition and will result in the archaeological deposits being preserved by record. Residual effects will be moderate to minor adverse.

As detailed in section 8.3.2 of this report, chapter 7 of the ES assesses the landscape and visual impact of the development and includes assessment of the impact of development upon views from Pontefract Castle (tables 7.8 and 7.9, and photo-viewpoint 22 at Figure 7.7 and associated Photomontage at Appendix 7.5). In summary, the assessment concludes that following the completion of the development and as a result of the distance between the castle and the site, other intervening and surrounding development, and additional landscaping, the residual impacts upon views from the castle would be 'minor adverse'.

Historic England (HE), the West Yorkshire Archaeology Advisory Service (WYAAS) and the Council's Conservation Officer have all been consulted.

HE has advised that in their view the LPA does not need to notify or consult them about this proposal under the relevant statutory provision. No comments or objections are therefore offered.

In assessing the previous retail-led development at the site (application ref. 14/01440/OUT) the WYAAS advised that *the site has high archaeological potential and is of up to regional significance* and that the carrying of construction works to implement the development would involve extensive ground disturbance, which could disturb and/or destroy the identified archaeological features, together with others that may not yet be known. WYAAS therefore recommended that the developer undertake a full archaeological evaluation and recording exercise, including a geophysical survey and archaeological trial trenching ahead of any

development or ground preparation works taking place. This was secured by condition and surveying and recording was undertaken and completed. The WYAAS have been re-consulted for this application and have confirmed that archaeological investigative work established the site's potential which was followed by a geophysical survey, evaluation trenching and targeted archaeological excavation. The field work was considered to be acceptable, and the site released for development; however, reporting of the results was not completed and therefore further archaeological works are required including: completion of an acceptable assessment report to agree and confirm what further work and analysis is required; an updated project design; production of the full report incorporating additional specialist contributions and analysis; and dissemination of the findings. The WYAAS confirm that this further work can be secured by a suitably worded planning condition and subject to that condition offer no objection to the development proceeding.

The Council's Conservation Officer has been consulted and offers no objection to the assessment which has been undertaken or to the development proceeding.

In taking account of the assessment and conclusions detailed within chapters 7 and 15 of the ES, and having considered carefully the specialist advice provided by the heritage consultees, it is accepted that the proposal would have no unacceptable impacts upon any designated heritage assets within the site or within the wider area. Furthermore, whilst there is evidence of non-designated assets within the site, it is considered that subject to the imposition of the planning conditions recommended by WYAAS to ensure that further archaeological recording is agreed and undertaken (the investigations have already been undertaken and completed), the proposal would have no unacceptable impacts upon any non-designated heritage assets.

The proposal is therefore considered to be capable of complying with the requirements the NPPF and policies LP63, LP64, LP65, and LP66 of the Council's Local Plan, and the Council has fulfilled its duty under the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

SECTION 8.4 – OTHER MATERIAL PLANNING CONSIDERATIONS

Section 8.4.1 – Utilities

No objections to the proposed development have been received from the following consultees: Northern Gas Network, Yorkshire Water (subject to conditions) or the Northern Power Grid. No comments have been received from the National Grid.

Section 8.4.2 – Loss of agricultural land

Best and most versatile (BMV) agricultural land is defined within the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Paragraph 180 of the NPPF is relevant together with policy LP70 (Protection of Agricultural Land) which seeks, amongst other things, to preserve the best and most versatile agricultural land within the district and states that: *The best and most versatile agricultural land within the district will be protected from irreversible development . . . development involving a significant loss from agricultural land graded 3a or higher will not be permitted where land of a lower quality could be developed for the particular purpose.*

The policy justification to LP70 states that: *Proposals which would result in the loss of agricultural land of grades 2 and 3a in the district will not be acceptable unless it can be demonstrated that there is a particular need for the development, that no alternative site of a lower grade is available, and the proposal would not result in the severance, fragmentation or reduction in the size of agricultural holdings which would prejudice their continuing*

viability. These considerations will be applicable to all proposals including those with little or no built development such as golf courses and minerals workings, because restoration of the land back to agricultural use may not be capable of reproducing the original soil quality.

Appendix 3.2 of the ES contains an 'Agricultural and Soil Resources Report' (dated June 2014) which is informed by a desk-based assessment and a detailed soil resource and agricultural survey which was carried out in May 2014. The report assesses approximately 43.1ha of land (the overall application site area for the proposed development which includes non-agricultural land is approximately 48ha) and identifies that the majority of the agricultural land comprises of poorly draining, fine loamy over clay soils, which present limitations to agriculture and is classified as grade 3b (approximately 72% of the agricultural land area). An area of 3.1ha (7% of the agricultural land area) in the north-west corner of the site comprises soils of a courser texture which are freely or imperfectly draining and are therefore classified as grade 2 quality. Areas of transition between the aforementioned soil types comprising approximately 8.4ha (19% of the agricultural land area) located mostly in the western part of the application site are classified as grade 3a.

The report acknowledges that 11.5ha of land (26% of the agricultural land within the application site) comprises of grade 2/sub-grade 3a but goes on to conclude that due to the predominance of grade 3b land the development "*is found to be broadly in accordance*" with local planning policy and "*generally concurs*" with the NPPF.

Natural England, the Environment Agency and the Council's Spatial Policy team have been consulted and have not offered any objections to methodology used to inform the Agricultural and Soil Resources Report and the conclusions contained therein, or to the principle of the development on the grounds of loss of agricultural land.

The proposal would result in the loss of 11.5ha of grade 2 and grade 3a agricultural land and the development as a whole would permanently end the agricultural use of this site; accordingly evidence has not been provided demonstrating whether the loss of the higher grade agricultural land would prejudice the continuing viability of the land holding. Nevertheless, the policy test is whether the quantum of grade 2 and 3b land which would be lost is deemed to be significant.

Taking account of the area of higher grade agricultural land which would be lost, the fact that the majority of the site comprises agricultural land graded as 3b and in the absence of any objections from the above consultees, officers consider that the findings of the report are accepted and agreed that whilst the proposed development would result in the loss of 11.5ha of grade 2 and grade 3a agricultural land, taken as a whole, the loss in this instance is not considered to be significant. Furthermore, the loss of the land would not have a significant, detrimental impact upon the agricultural capacity of the district and officers are satisfied that there is no reasonable basis to conclude that the development scheme could be amended to significantly reduce BMV land loss whilst still providing a viable development scheme. On balance it is considered that the proposal would not undermine the requirements of the NPPF or Local Plan policy LP70 to a degree which would warrant a refusal of the application in isolation but should be attributed limited weight against the proposal in the overall planning balance.

Section 8.4.3 – Waste

The NPPF states that an environmental objective to achieve sustainable development is to minimise waste (para 8(c)). Local Plan policy LP44 (Waste Facilities Within Development) requires that all significant development proposals shall make efficient use of resources and integrate waste management facilities and provide waste management plans.

The ES correctly identifies that waste would be generated during all stages of the construction phase but states that waste would be limited through the re-use of existing material on site during the earthworks phase. The ES states that waste will be minimised at source and opportunities for recycling and re-use of construction materials in accordance with the waste hierarchy will be explored.

To ensure all construction works are undertaken appropriately a Construction Environmental Management Plan (CEMP) will be developed. In addition, a Site Waste Management Plan (SWMP) and Operational Waste Management Plan (OWMP) will be produced to complement the CEMP and to deal specifically with waste management. The Council's Waste Management Team were consulted but have not issued any comments relating to this scheme; nevertheless, it is considered that conditions could be used in order to ensure that an operational waste management strategy for the site is agreed, together with details of the location and design of bin storage areas/enclosures, and the location and design of refuse bins within the site. The CEMP, SWMP and OWMP could be secured through the use of appropriately worded planning conditions.

Separately, the supporting information confirms that all waste arising as a result of the demolition and construction programme will be dealt with in accordance with the waste duty of care in Section 34 of the Environmental Protection Act 1990. Furthermore, the Environmental Protection (Duty of Care) Regulations 1991 (as amended) for dealing with waste materials are applicable for any off-site movements of waste. The applicant as a (potential) waste producer has a legal duty of care to ensure that all materials removed from the site go to an appropriate, permitted facility and that all relevant documentation is completed and retained in accordance with the relevant regulations. An informative note could be appended to the decision notice to draw the applicant's attention to this issue.

Overall, it is considered that waste generated during both the construction and operational phases of the development can be adequately controlled through the implementation of mitigation measures which can be secured by condition. Alternative legislation is also in place relating to waste management, which the applicant would have to adhere to. The proposal is considered to not undermine the Council's waste management strategy and is capable of meeting the requirements of the NPPF and policy LP44-of the Council's Local Plan.

Section 8.4.4 – Consideration of representations received

The representations received are summarised in section 5 of this report. It is clear through the significant number of letters of support received by the LPA that the proposal is well supported within the local community. The factors which have arisen most frequently within the supportive representations are the benefits the scheme would bring through the creation of new jobs, and the benefits that would accrue through the financial contribution that would be secured to facilitate improvements to Castleford Tigers existing rugby stadium at Wheldon Road. All of the points made in support of the application are accepted.

The majority of the objector concerns and issues, previously outlined, have been addressed within relevant sections of this report. The remaining issues are addressed below:

Issues: There is no need for the development; retail development is needed; and the previous proposals were an improvement on the current proposals.

Officer response: The current application has been assessed on its own planning merits against relevant national and local planning policy.

Issues: Lack of advertisement of the application; proposals are being pushed through without consultation; and application details are not easy to access.

Officer response: The application has been publicised in accordance with statutory requirements. The plans, supporting documents and related correspondence are available to view on the Council's public access system and careful consideration has been given to all representations received.

Issues: Funds could be better used to regenerate Castleford Town Centre.

Officer response: Officers are required to assess the application as submitted against relevant national and local planning policy.

Issues: There are concerns that Castleford will suffer through the industrialisation of the area and see an economic decline; and the proposal will create an undesirable precedent allowing works to proceed without full planning approval on the details, suggesting a pre-empting of that approval.

Officer response: Officers do not consider that any evidence has been submitted to demonstrate that the proposal will result in economic decline in the area. The application has been assessed on merit and without pre-determination.

Issues: The developers don't have any tenants lined up for the units; and the number of jobs is pure speculation.

Officer response: The developers are not required to have tenants for the units at the point a planning application is made, and the job estimation has been undertaken in accordance with accepted methodologies.

Issues: The development will de-value local properties.

Officer response: This is not a material planning consideration to which weight can be given.

Issues: The proposals are an abuse of the planning process and blatant bribery.

Officer response: This is unsubstantiated and not a material planning consideration.

All neighbouring local authorities were consulted, and no objections have been received. Barnsley Council confirmed that they have no objections and Selby Council confirmed that they have no comments to make. No comments have been received from North Yorkshire County Council, Leeds City Council, Kirklees Council or Doncaster Council.

All representations received from technical consultees, companies and individuals have been carefully considered in the assessment of this application.

Section 8.4.5 – Section 106 agreement and pre-commencement conditions

Regulation 122 of the CIL Regulations provides that for an individual obligation to be a lawful reason for granting planning permission, it must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related to the scale and kind of the development. This is reflected in paragraph 57 of the NPPF which states: planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

The draft Heads of Terms has been agreed with the applicant to secure a number of the contributions/measures referred to in this report. In summary, the S106 legal agreement contains the following provisions:

Developer covenants

- To not commence development unless and until the 'Wheldon Road Stadium contribution' of £12,200,000 has been paid to the Council.

- To provide the following financial contributions (the triggers for payments vary):
 - £1,289,880 towards off-site Biodiversity Net Gain
 - £30,000 towards Traffic Management Measures
 - £50,000 Real Time Bus Information Contribution
 - £150,000 Travel Plan Measures Contribution
 - £525,000 Public Transport Contribution
- To not permit the occupation of any unit within the development unless and until the Council has approved an Occupier Travel Plan for that unit.
- To agree and implement an Employment and Skills Plan for each unit within the development.

Club covenants

- To undertake and pursue the Wheldon Road Stadium Development as expeditiously as possible.
- To submit a Stadium Delivery Plan to the Council for review and approval and, following approval, to undertake and complete the works in accordance with the Delivery Plan.
- To submit a Community Use Strategy to the Council for review and approval and, following approval, to implement the Community Use Strategy.

Council covenants

- To review and approve the Wheldon Road Stadium Delivery Plan and release the funds (£12.2m) to the Club.

Planning permission should only be granted for this planning application if the benefits of the development are secured; therefore, the test of necessity for securing the above through a s106 agreement is met. Each of the financial payments and other measures summarised above are also directly related to the development and fairly and reasonably related in scale and kind. Officers therefore consider that the proposed Heads of Terms of the S106 legal agreement meets the legal and policy tests and the CIL Regulations are complied with. Whilst discussions remain on going between the applicant, officers and the Council’s legal team, it is considered that the provisions to be secured can be delegated to the Council’s Service Director for Planning, Transportation and Strategic Highways and the Chair/Vice-Chair of the Council’s Planning and Highways Committee, should Members resolve to approve this planning application.

Pre-Commencement Conditions

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 formal notice was sent to the applicant outlining the pre-commencement conditions which it is the LPA’s intention to impose². The applicant’s agent confirmed in writing on 6 February 2024 their acceptance of the proposed pre-commencement conditions. The requirements of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 have thus been satisfied.

Section 8.4.6 – Public Sector Equality Duty

The Equality Act 2010 includes a public sector “general equality duty”. This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a

² A full schedule of all conditions was sent for completeness.

protected characteristic and those who do not in respect of the following “protected characteristics”: age; gender; gender reassignment; disability; marriage and civil partnerships; pregnancy and maternity; religion and belief; and race.

Officers are satisfied that there is no evidence of any harm, lack of respect for equalities, or disregard to equality issues in relation to this application and that the LPA has undertaken its duty under section 149 of the Equality Act 2010.

SECTION 8.5 – ‘VERY SPECIAL CIRCUMSTANCES’ AND PLANNING BALANCE

The identified harm

Section 8.2.2 of this report reviewed Green Belt issues and concluded that the proposal conflicts with the purposes of the Green Belt designation, constitutes inappropriate development within the Green Belt, and that there will be harm to the openness of the Green Belt (both visually and spatially). Subsequent sections of the report have identified ‘other harm’ which will be weighed in the planning balance. These are:

- the loss of 34 hectares of Grade 3b (Moderate) quality land and the loss of 9 hectares of Grade 2 (Very Good) quality land last in use for agricultural purposes;
- adverse impact on wider landscape character;
- adverse visual impact upon nearby residents;
- adverse visual impact upon users of nearby Public Rights of Way; and,
- conflict with the adopted Local Plan

The applicants position

In accepting the identified harm, the applicant has outlined the factors which they consider should weigh to varying degrees in favour of the development. The applicant considers that taken together they clearly outweigh the harm and therefore ‘very special circumstances’ exist. These are outlined in full within section 10 of the applicant’s Planning Statement and, summarised, they include:

- A £12.2m payment towards major upgrades of Wheldon Road which will: (a) ensure the club’s facilities meet current and likely future Super League standards and licensing requirements; (b) help to instil a renewed sense of pride in the town as the improved facilities support increased success on the field; and, (c) deliver the physical and social regeneration of a prominent brownfield site in close proximity to Castleford Town Centre and within the Castleford Riverside Special Policy Area.
- The delivery of substantial highway upgrades to J32 of the M62.
- The delivery of a variety of socio-economic benefits including: (a) the creation of at least 1,830 FTE new jobs within the employment development; (b) the creation of 25 FTE new jobs within the upgraded Wheldon Road stadium and supporting of existing jobs; (c) the creation of 2,000 on and off-site jobs per year during the construction phase; (d) the creation of 375 ‘spin off’ jobs off-site; (e) contributing over £144m gross value added (GVA) per year to the Wakefield economy; (f) the delivery of an additional £19.6m per year of social value to the local area; (g) the improvement of skills attainment and training in the local area through accessible new jobs and a programme secured through the S106 agreement; (h) physical investment into and the development of a highly visible and key gateway site in Castleford and Wakefield sending a positive message of inward investment helping to transform Castleford’s

image and reputation and, (i) a major contribution to the regeneration of Castleford and contribution towards Levelling Up and towards the long term plan for the regeneration of towns.

- A contribution to the supply of prime employment land supply in Wakefield District by providing floorspace of a scale and in a location required by high quality global logistics and manufacturing operators that is deliverable in the short term.
- The delivery of improved recreational facilities for local residents including a new 5-hectare area of publicly accessible open space and a shared pedestrian and cycle route across the site.
- Ecological and environmental benefits including achieving BREEAM Very Good and achieving a biodiversity net gain.

Paragraph 10.38 of the PS concludes by stating: *“Combined, the very substantial and compelling benefits of the proposals are considered to clearly and demonstrably outweigh the Green Belt and all other harm. It is therefore considered that the proposed development clearly demonstrates the Very Special Circumstances required to justify development within the Green Belt”.*

Officers’ advice as to the weighting to be given to each of the other factors is set out below.

The officer assessment and planning balance

Summary of those factors weighing against the proposed development –

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated within paragraphs 2 and 47 of the NPPF. Members are advised that officers consider that the application is contrary to some elements of the Council’s adopted development plan, primarily by virtue of the site’s allocation within the Green Belt. Local Plan policy SP3 is an overarching policy which seeks to direct all new development to locations where it would accord with the established settlement hierarchy and to restrict development within the Green Belt. The proposal is therefore contrary to policy SP3 and constitutes a departure from the development plan.

Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 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. The proposal is considered to constitute inappropriate development within the Green Belt and is therefore harmful by reason of inappropriateness. Officers also consider that the proposal would be contrary to three of the five purposes for including land within the Green Belt, namely: to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns from merging into one another, and to assist in safeguarding the countryside from encroachment. Furthermore, the scheme as a whole would have a significant, detrimental impact upon the openness of the Green Belt. Overall, officers attach substantial weight to the conflict with the purposes of including land within Green Belt, the harm by reason of inappropriateness and the harm to openness.

The proposal would also fundamentally change the character of the site but officers considered that limited weight be afforded to this harm given the nature of the immediate and wider landscape and the mitigation that can be provided. The proposal will have adverse visual impacts upon the closest residential properties to the site and the users of the adjoining public rights of way, particularly during the construction phases and until the

landscape mounds are formed and the planting has developed. Significant weight is attributed to this harm; however, it is acknowledged that the most severe impacts are temporary, mitigation will be provided and views will mostly be of the landscaped mounds as opposed to buildings once they have established.

The proposal would result in the loss of 43 hectares of land last in use for agricultural purposes; however, the majority (34ha) is classified as grade 3b and no objections to the loss of agricultural land have been received from consultees. The loss of agricultural land weighs against the scheme but in this instance, it is considered this loss attracts limited weight, given the limited amount of best and most versatile agricultural land when considered in the context of the District as a whole and as it has been demonstrated that this is the only site capable of providing the proposed development which can accrue the wider benefits.

Summary of those factors weighing in favour of the development –

Castleford Tigers Rugby Club is synonymous with the town and its identity and this is demonstrated within the substantial number of representations received in support of the application. Castleford Tigers has had consent for new stadiums at both Whistler Drive, Glasshoughton, and at the application site for a number of years but due to a lack of financing neither proposal has been brought forward and there is no evidence that the position is likely to change. This proposal would include a financial contribution of £12.2m to be used towards major upgrades of Castleford Tigers existing stadium at Wheldon Road. In turn, this would allow the club to develop sustainably, to have facilities which could compete with other top rugby clubs, and to facilitate further improvements to the role its Supporters Trust has within the community. The provision of the improved and upgraded stadium for Castleford Tigers would accrue significant benefits for the Club and its fans and due to the role the Club has within the community of Castleford, the benefits expounded in relation to job creation, civic pride, community facility improvements and perception are all accepted. The approval of the application and subsequent delivery of the stadium improvement works at Wheldon Road would provide a positive legacy for future generations and, overall, officers attach very substantial weight in favour of the development to these wider benefits.

The proposal would create a significant number of jobs during both the construction and operational phases, which in turn would contribute to the overall wider regeneration of a coalfield area which has been detrimentally affected by past industrial/mining decline. For the reasons explained in section 8.3.1 of this report, officers cannot conclude at this stage whether during the Local Plan period to 2036 all of the land allocated for employment uses and the development of this site would be brought forward or whether it would take a longer time frame. It would be for the next Local Plan beyond 2036 to allocate sufficient land accordingly dependent on what had been brought forward. Nevertheless, officers consider that the job creation and investment benefits of the scheme in an area suffering from higher-than-average unemployment rates are afforded substantial weight in favour of the scheme.

Significant highway works are proposed to the adjoining motorway junction and to the surrounding local highway network and the scheme would provide a new pedestrian/cycle route through the site from east to west delivered to bridleway standards. The works are primarily required to mitigate the impacts of the development and make the development acceptable in planning terms; however, there would be a beneficial uplift to capacity and efficiency on the local network in the short to medium term to which moderate weight is attached.

The proposal includes recreational public open space within the site which would provide a high-quality setting for the development, retain open space within the site, provide a recreational facility for the local community, and provide a beneficial amenity and ecological

resource. Officers attach moderate weight in favour of the development to the proposed recreational open space element of the proposal.

The site has an extant planning permission for a development comprising a retail park, sports stadium, country park and associated development. That development has been lawfully implemented and works could continue at any time, which is a material consideration in the determination of the current application. However, due to changes in the retail market over the intervening years, the consented development is unlikely to be progressed further in the short / medium term, or even at all; therefore, the new community stadium for Castleford Tigers is unlikely to be constructed at the application site. Officers therefore consider that the extant consent does not represent a realistic fall-back position in the short / medium term and the position in the longer term future is unknown and therefore limited weight is given to it in the assessment of the current application.

Overall, it is considered that there are several factors which weigh substantially in favour of the proposed development and cumulatively they are considered to be very substantial.

Summary of those factors weighing neutrally in the planning balance –

Other than those issues highlighted above, the following technical considerations, which have been considered in full within this report, are considered to either be acceptable or capable of being made acceptable, subject to the imposition of planning conditions; accordingly, neutral weight is attached to them in the planning balance:

- Ecology and biodiversity net gain: The proposal provides significant on-site landscaping (and recreational facilities) and a financial contribution totalling £1,289,880 towards biodiversity enhancement off-site. The proposal will therefore generate an overall BNG of 10% in accordance with policy requirements.
- Air quality: Following consultation with the Council's AQO, officers are satisfied that subject to suitable mitigation being secured through the imposition of planning conditions, the development is capable of not undermining air quality objectives.
- Amenity: Following consultation with the Council's Environmental Health department, officers are satisfied that subject to the imposition of planning conditions to control noise, dust and lighting during both the construction and operational phases, the proposal would not have any significant, detrimental impacts upon the residential amenity of nearby properties.
- Flood risk and drainage: Technical consultees including the Environment Agency, Yorkshire Water and the Council's drainage engineers have advised that subject to the imposition of planning conditions, the development could be brought forward without increasing flood risk at the site or making flood risk elsewhere worse, and that it is feasible to install suitable on-site drainage infrastructure to accommodate the development. The scheme is designed to ensure any buildings would be located within flood zone 1 and the wetland areas of the recreational open space would be located within the small area falling within flood zones 2 and 3 within the south-east corner of the site. The sequential test is passed and an exception test not required.
- Ground conditions and stability: Following consultation with specialist consultees, officers consider that subject to the imposition of planning conditions, the proposed development can be undertaken without giving rise to adverse land and groundwater contamination issues and without adversely affecting land stability or local geology.

- Safety and security: Following consultation with specialist consultees, officers are satisfied that the proposal would not adversely impact upon levels of crime or the fear of crime and that measures can be incorporated into the scheme to design out crime.
- Sustainability issues: Officers are satisfied that the proposed development would be sustainable and that subject to the imposition of planning conditions, the scheme would meet the requirements of national and local planning policy.
- Cultural heritage and archaeology: The proposal would have no detrimental impacts upon any designated heritage assets within the site or within the wider area. Officers are satisfied that subject to the imposition of the planning conditions recommended by the WYAAS to ensure that an appropriate scheme of archaeological recording is agreed and undertaken, the proposal would have no detrimental impacts upon any non-designated heritage assets.
- Waste issues: No significant impacts are identified and planning conditions can be imposed to adequately deal with the disposal of waste during both the construction and operational phases.

SECTION 9 – CONCLUSION AND RECOMMENDATION

This planning application is for a significant scale and type of development which would have impacts (both positive and negative) over the long term, extending well beyond the current Local Plan period. As detailed within the relevant sections of this report, numerous issues have been assessed; some of which weigh heavily against and some of which weigh heavily in favour of the scheme.

In terms of the overall quantum of proposed floor space, on the basis of the advice provided by the Council's viability advisors, officers are satisfied that the construction costs of the works to upgrade the Wheldon Road Stadium are accurate and that it is reasonable to conclude that the amount of development proposed at the application site is the minimum that is required to enable the development to be brought forward, which in turn would provide the financial contribution to be made to facilitate the upgrade works to the Castleford Tigers existing stadium at Wheldon Road (bringing some of the wider benefits). Officers are also satisfied that there are no other realistic funding sources that could be used to provide the level of cross-funding that is required in order to bring forward the upgrade works to the Wheldon Road Stadium.

Careful consideration has been given to all of the supporting information provided by the applicants, the advice given by all technical consultees, and all third-party representations received both in support of and in objection to the proposed development.

Overall, the scheme is considered to be contrary to some elements of the Council's adopted Local Plan and would have negative impacts including Green Belt harm (through conflict with the purposes of including land within Green Belt, by reason of inappropriateness and by virtue of physical harm to openness), have some negative visual impacts and result in the loss of agricultural land. Substantial weight is attributed to the totality of the harm and policy conflict identified in this report.

However, it is considered that there are material planning considerations which weigh in favour of the development to varying degrees. Officers consider that cumulatively very substantial weight should be given to them in favour of the scheme and that they are sufficient to clearly outweigh the totality of the harm caused by the scheme (Green Belt and all other harm) such that 'very special circumstances' exist. Accordingly, officers

recommend that planning permission should be granted, subject to recommended planning conditions being imposed and the completion of a Section 106 legal agreement.

It is also recommended that the final wording of both the conditions and the legal agreement be delegated to the Council's Service Director for Planning, Transportation and Strategic Highways in consultation with the Chair and Vice-Chair of the Council's Planning and Highways Committee.

Final note to Members

Finally, it is advised that should Members resolve to approve this planning application, it would need to be referred to the Planning Casework Unit (on behalf of the Secretary of State) in accordance with the Town and Country Planning (Consultation) (England) Direction 2021. The Secretary of State would then decide whether to call-in the application and hold a Public Inquiry. If the Secretary of State decided not to call-in the application and subject to all matters being resolved, it is recommended that the final decision to issue the planning permission be delegated to the Council's Service Director for Planning, Transportation and Strategic Highways in consultation with the Chair and Vice-Chair of the Council's Planning and Highways Committee.

RECOMMENDATION

Approve, subject to:-

- (a) the condition(s) set out below; and
- (b) the completion of an Obligation under S106 of the Town and Country Planning Act 1990;

1. The development for which full planning permission is hereby permitted, which is defined as follows:

- off-site highway works to J32 of the M62;
- 640,000 cubic metres of cut and fill earthworks including:
- stripping of 145,000 cubic metres of topsoil;
- offsite disposal of around 70 ,000 cubic metres of topsoil;
- creation of 45,000 cubic metre construction landscape mounds;
- Incidental coal extraction of 50,000 cubic metres of coal;
- crushing of around 50,000 cubic metres of hard rock on site for plateau capping;
- slope stabilisation works for the northern boundary;
- mineshaft treatment of Shaft 444424-008 in the north-western corner of the site;
- on-site highways infrastructure with associated drainage up to base course level;
- foul water drainage infrastructure including a new foul water pumping station, off-site rising main and on-site gravity system below the on-site highways infrastructure;
- construction of retaining structures to facilitate building plateau construction;
- excavation of wetland ponds; and,
- diversion of the north-south watercourse on site.

shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development for which outline planning permission is hereby permitted, which is defined as follows:

- erection of 141,085 sq. m of buildings to be used for employment purposes Classes E(g)(ii), E(g)(iii), B2 and B8 together with ancillary offices;
- formation of vehicle delivery and dispatch yards adjacent to employment units;
- formation of car parking areas for staff and visitors to the units;
- construction of an electrical vehicle charging facility;
- on-site highway infrastructure above base course level; and,
- installation of associated hard and soft landscaping.

shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Application(s) for approval of all the reserved matters shall be made before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. No phase of development except the development for which full planning permission is hereby permitted, as defined at condition 1 of this permission, shall commence until details of all the following matters (the reserved matters) relating to that phase of development have been submitted to and approved in writing by the Local Planning Authority: layout, scale, appearance and landscaping.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

5. Standard Condition PLANS: Approved Plans

6. The development hereby approved shall not exceed the following:

- (i) 105,834 sq. m gross internal floorspace within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that order);
- (ii) 35,251 sq. m gross internal floorspace within Use Classes E(g)(ii), E(g)(iii), B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that order);
- (iii) Sui generis electrical vehicle charging station with associated sales and refreshment kiosk.

Reason: For the avoidance of doubt as to what is authorised by this permission.

7. The reserved matters for which future approval shall be sought shall substantially accord with the approved Proposed Land Use Parameters Plan (7414_SMR_00_ZZ_DR_A_2101_S3_P5), Proposed Building Maximum Heights Parameters Plan (7414_SMR_00_ZZ_DR_A_2102_S3_P6) and the November 2022 Axiom Design Code Document prepared by SMR Architects, and the development shall be carried out in accordance with these approved plans.

Reason: To ensure that the development is delivered in accordance with the agreed plans and to safeguard the amenity of the locality.

8. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) and with the exception of any ancillary and associated offices, and the sui generis electrical vehicle charging station with associated sales and refreshment kiosk, the uses of the new buildings shall be restricted uses falling within use classes B2, B8 and Classes E(g)(ii) and E (g)(iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only.

Reason: In the interests of amenity and highway safety and to accord with the requirements of policies LP27, LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no development included within Part 7 Class H and J of Schedule 2 to that Order shall be carried out on any part of the buildings and/or land, identified within the red line application site area.

Reason: In the interests of amenity and highway safety and to accord with the requirements of policies LP27, LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

10. Development shall not commence until a programme of phasing for the implementation, build out and completion of the outline elements of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include a programme of works detailing: (i) each of the proposed land uses within the

site (including their associated infrastructure); (ii) the area(s) of open space; and (iii) all access roads within the site. The development shall be undertaken in accordance with the approved phasing plan unless a variation is agreed in writing with the Local Planning Authority.

Reason: This detail is required prior to development commencing on site to ensure satisfactory comprehensive development and proper planning of the area, to safeguard and enhance the amenity of the locality and to accord with the policy D9 of the Council's Local Development Framework Development Policies Document.

11. Development shall not commence within any phase approved under condition 10 of this permission until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must include, as a minimum, details of the following:

- (i) The location(s) for the loading and unloading of plant and materials;
- (ii) Proposed access routes for construction traffic and how such traffic will be managed;
- (iii) The location(s) for the storage of all construction plant, equipment and materials;
- (iv) Contractors' compounds and storage arrangements for cranes and plant, equipment and related temporary infrastructure;
- (v) The enclosure of the parts of the site associated with each phase of development and the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- (vi) Signage (types and location) for directing construction traffic;
- (vii) Access/egress by emergency vehicles;
- (viii) Measures to manage and minimise dust emissions;
- (ix) Measures to manage and minimise construction noise and vibration;
- (x) A scheme for recycling/disposing of waste resulting from demolition, engineering and construction works;
- (xi) Measures to manage and minimise light pollution from construction lighting;
- (xii) Measures to manage site run-off during the works to create the development platform.

All demolition, engineering and construction works must be undertaken in accordance with the approved CEMP(s) which must be fully implemented, the measures provided in full, and be adhered to throughout the construction phase(s) of the development.

Reason: In the interests of amenity and highway safety and to accord with the requirements of policies LP27, LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

12. Development shall not commence within any phase approved under condition 10 of this permission until a Construction Traffic Management Plan has been submitted to approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the M62). The plan must, as a minimum:

- o Provide the anticipated daily number of construction related traffic movements via the SRN and evidence how such movements will be minimised during peak hours (except for abnormal load movements of continuous concrete pours);
- o Provide evidence of onsite wheel washing facilities and any other measures to prevent the transfer of mud and debris being brought on to the public highway;
- o Provide evidence of onsite facilities to minimise the tracking of mud and debris onto the M62;
- o Provide evidence of sufficient onsite parking for contractors and workers;
- o Provide the location of HGV holding areas which shall not be located close to M62 J32.

Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan.

Reason: This detail is required prior to development commencing on site in the interests of highway safety and to accord with policy LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

13. Development shall not commence within any phase approved under condition 10 of this permission until (i) details of all temporary acoustic fencing to be installed and retained during the construction phase(s) have been submitted to and approved in writing by the Local Planning Authority and (ii) the temporary acoustic fencing has been fully installed. The temporary acoustic fencing shall thereafter be retained throughout the duration of the construction works.

Reason: This detail is required prior to development commencing on site in the interests of amenity and to accord with policies LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

14. Development shall not commence within any phase approved under condition 10 of this permission until a scheme detailing measures to protect the trees and/or other areas of vegetation indicated to be retained during the demolition, engineering and construction phase(s), has been submitted to and approved in writing by the Local Planning Authority. Details must include the type and location of tree protective fencing and the method of installation. Development shall not commence until the works comprising the approved scheme have been fully installed/completed. The approved measures must be retained throughout the demolition, engineering and construction phase(s) of the development. No plant, equipment or materials shall be stored or placed within any fenced area at any time.

Reason: This detail is required prior to development commencing on site in the interest of protecting the trees and the character of the area, and to accord with policies LP54 and LP56 of the Council's adopted Local Plan.

15. Development shall not commence within any phase approved under condition 10 of this permission until a Non-native Species Management Plan (NSMP) for the construction phase(s) of development, has been submitted to and approved in writing by the Local Planning Authority. The NSMP shall provide for appropriate removal and management of Himalayan balsam and shall be based upon the principles set out in paragraph 10.131 of the Environmental Statement. The approved NSMP shall be adhered to throughout the construction phase(s) of development.

Reason: This detail is required prior to development commencing on site to ensure that risks from invasive plant species are appropriately controlled, in accordance with policies SP23 & LP53 of the Council's adopted Local Plan.

16. Development shall not commence within any phase approved under condition 10 of this permission until a further survey to establish the potential presence of badgers on the site has been undertaken and its results have been submitted to and approved in writing by the Local Planning Authority. If the survey reveals the presence of badgers on site, then no works shall commence until any necessary and agreed mitigation measures to relocate the badgers have been undertaken.

Reason: This detail is required prior to development commencing on site to protect and mitigate any impacts upon a legally protected species.

17. Development shall not commence within any phase approved under condition 10 of this permission, except the development for which full planning permission is hereby permitted as defined at condition 1 of this permission, until the following details relating to that phase of development (if applicable) have been submitted to and approved in writing by the Local Planning Authority: (i) the colour, type, and texture of all external building materials; (ii) the height, location, design and finish of all screening, retaining and boundary treatments and

(iii) the external appearance, colour, type, texture and composition of materials used in constructing the access. Development shall be carried out in accordance with the approved details.

Reason: This detail is required prior to development commencing on site in the interests of amenity and to accord with policy LP56 of the Council's adopted Local Plan and the National Planning Policy Framework.

18. Development shall not commence within any phase approved under condition 10 of this permission, except the development for which full planning permission is hereby permitted as defined at condition 1 of this permission, until full details of any highway structures have been submitted to and approved in writing by the Local Planning Authority. This includes: (A) Any bridging structure which carries vehicular or pedestrian traffic where the clear span at any point exceeds 0.9m and covers road bridges, footbridges, cycleway bridges, culverts, manholes, chambers, soakaways, tanks etc. (B) Any retaining structure built within 3.66m (4 yards) of the highway boundary which supports the highway or ground above the highway and covers retaining walls, burr walls, headwalls, basements, cellars etc. All retaining structures shall thereafter be constructed in accordance with the approved details prior to any phase of the development hereby approved being brought into use and shall be retained and maintained for the lifetime of the development.

Reason: This detail is required prior to development commencing on site in the interests of highway safety and to accord with policy LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

19. Development shall not commence within any phase approved under condition 10 of this permission until a scheme for that phase detailing the proposed internal spine road and bus turning area / hub facility, the internal pedestrian and cycle links, and a pedestrian / cycle link onto Spittal Hardwick Lane including a new footway on Spittal Hardwick Lane along with details of the delivery and timing of when specific elements of the above works will be provided, has been submitted to and approved in writing by the Local Planning Authority. Before any phase of the development is brought into use the scheme for that phase shall be completed in accordance with the details shown on approved plans and retained thereafter.

Reason: This detail is required prior to development commencing on site encourage sustainable methods of transport and in the interests of highway safety and to accord with policies SP13 and LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

20. The first application(s) for approval of the reserved matters shall include details of an appropriately positioned bus stop and bus turning facility within the site. Development shall not commence within any phase approved under condition 10 of this permission until the details of the bus stop and turning facility have been approved by the Local Planning Authority. No more than 40,000 sq. m gross internal area of the development hereby approved shall be brought into use until the bus stop and turning facility have been constructed unless otherwise agreed in writing by the Local Planning Authority.

Reason: This detail is required prior to development commencing on site encourage sustainable methods of transport and in the interests of highway safety and to accord with policies SP13 and LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

21. Development shall not commence within any phase approved under condition 10 of this permission, except the development for which full planning permission is hereby permitted as defined at condition 1 of this permission, until full details of gas protection measures to be installed within any buildings within that phase, as set out in the Geoenvironmental Appraisal Report [Lithos, August 2022, Ref:1687/8A], have been submitted to and approved in writing by the Local Planning Authority. As a minimum these measures must attain a BS8485:2015+A1:2019 Gas Protection Score of 2.5 or higher for commercial/industrial buildings [i.e. Type C & D buildings in BS8485:2015+A1:2019]. Any installation must be in

line with C735 - Good Practice on the Testing and Verification of Protection Systems for Building against Hazardous Ground Gases [CIRIA, 2014]. The approved gas protection measures shall be installed and/or undertaken before the development within a unit within any phase is first occupied and/or brought into use.

Reason: This detail is required prior to development commencing on site to ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP23 and LP69 of the Council's adopted Local Plan and the National Planning Policy Framework.

22. Development shall not commence within any phase approved under condition 10 of this permission until a scheme outlining the impact of previous mining activities on the site and remedial works to be undertaken, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: (i) an assessment of the effects of previous mining activities on each of the uses proposed; (ii) details of any mitigation measures to be implemented to overcome these effects (including the need for any gas protection measures); (iii) details for the treatment of mineshafts and entries as identified in the Geoenvironmental Appraisal Report [Lithos, August 2022, Ref:1687/8A] and (iv) a timetable for the works. The works shall be undertaken in accordance with the approved details and timetable contained therein, unless the Local Planning Authority gives its written consent to any variation.

Reason: This detail is required prior to development commencing on site to ensure the land can be made stable and safe for development and to accord with policy LP69 of the Council's Local Plan and the National Planning Policy Framework.

23. Development shall not commence within any phase approved under condition 10 of this permission until a scheme detailing measures for the removal of the existing coal seams and the subsequent remediation of the land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans and details of: (i) the seams and depths to be worked by surface mining; (ii) the working direction; (iii) the working limits of the excavation including stand-offs created to surrounding properties and / or infrastructure; (iv) a method statement for the stripping, storage, and replacement of soils and overburden; (v) arrangements for temporary drainage and water management; (vi) proposed coal handling, stockpiling and loading on the site; (vii) on-site control and mitigation for noise and vibration, air-quality and lighting control; (viii) traffic management; (ix) the proposed backfill method and compaction to provide development platforms to built-specification; (x) methods for land stabilisation during and upon completion of extraction; (xi) final restoration profile and contours; (xii) details of proposed final restoration, post-restoration drainage and water management, landscape planting and aftercare; and (xiii) a timetable for implementation. The works shall be undertaken in accordance with the approved details and timetable contained therein, unless the Local Planning Authority gives its written consent to any variation.

Reason: This detail is required prior to development commencing on site to ensure the land can be made stable and safe for development and to accord with policy LP69 of the Council's Local Plan and the National Planning Policy Framework.

24. Development shall not commence within any phase approved under condition 10 of this permission until: (i) a Soil Management Plan detailing how soils will be excavated, handled and stored, and (ii) an Earthworks Specification detailing how imported material will be sourced, tested and treated (if appropriate) to ensure it is chemically suitable for the site to prevent pollution of the environment, has been submitted to and approved in writing by the Local Planning Authority. The measures detailed within the approved Soil Management Plan shall be adhered to throughout the construction phases, and only material which accords with the agreed Earthworks Specification shall be used on site, unless the Local Planning Authority gives its written consent to any variations.

Reason: This detail is required prior to development commencing on site in the interests of pollution prevention and to accord with policy LP69 of the Council's Local Plan and the National Planning Policy Framework.

25. Development shall not commence within any phase approved under condition 10 of this permission until a scheme detailing temporary surface water drainage measures to be implemented during the construction phases at the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of temporary drainage provision. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be maintained until an approved permanent surface water drainage system is in place and functioning.

Reason: This detail is required prior to development commencing on site to ensure the provision of adequate temporary means of drainage in the interests of amenity and to accord with policy LP30 of the Council's Local Plan and the National Planning Policy Framework.

26. Development shall not commence within any phase approved under condition 10 of this permission until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must be in accordance with the NPPF Hierarchy of Drainage Options. If infiltration is proved not to be viable the flowrate from the site shall be restricted to the greenfield flow rate. Surface water attenuation shall be provided for the minimum 1 in 100 year return period storm, including a 40% allowance for climate change. Calculations for the attenuation scheme must be submitted. The scheme must detail what measures will be used to prevent surface water discharging onto the adjacent or proposed highway for that phase. The scheme shall include a detailed maintenance and management plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development. No part of the development shall be brought into use until the flow restriction works within the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: This detail is required prior to development commencing on site to mitigate flood impact impacts and provide a suitable drainage system in accordance with policies LP29 and LP30 of the Council's Local Plan and the National Planning Policy Framework.

27. Development shall not commence within any phase approved under condition 10 of this permission except the development for which full planning permission is hereby permitted as defined at condition 1 of this permission until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: This detail is required prior to development commencing on site to mitigate flood impact impacts and provide a suitable drainage system in accordance with policies LP29 and LP30 of the Council's Local Plan and the National Planning Policy Framework.

28. Development shall not commence within any phase approved under condition 10 of this permission, except the development for which full planning permission is hereby permitted as defined at condition 1 of this permission, until a Biodiversity Enhancement and Landscape Management Plan for all landscaped areas of the site and in accordance with the approved Landscape General Arrangement Plan (P21232-00-001- GIL-0100-01) and in accordance with the Gillespies November 2022 Landscape Design Statement and Chapter 8 of the November 2022 Environmental Statement prepared by Pegasus for that phase has first been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement and Landscape Management Plan shall include: (i) protection

measures for all trees, waterbodies and greenspace during the course of development; (ii) long term design objectives; (iii) management responsibilities; (iv) maintenance schedules; (v) a timetable for the implementation of the Biodiversity Enhancement and Landscape Management Plan; (vi) detail of the ecological mitigation measures for that phase and any other land likely to be affected by the proposed development; (vii) confirmation of the location, extent and habitat type of areas within the site which are proposed to be used for the purposes of enhancing the ecological value of the development site; (viii) detail of the works to facilitate the enhancement and establishment of the proposed habitats, including any contouring, soiling, seeding, cultivation, planting, underground systems, tree guards, water feature provision or drainage works to be undertaken; (ix) planting specifications for any shrubs, trees, woodlands or hedgerows to be provided; (x) soil depths, soil composition and specifications, cultivation methods, seed mixes and seeding methods; (xi) any fertilisers or herbicides proposed to be utilised; (xii) the provision of any hibernacula; (xiii) any paths, fencing or other features which will be provided to ensure that the risks associated with any public access to the land which has the potential to damage ecological features is minimised; (xiv) features to facilitate the use of the site, and passage through the site, by fauna, including nesting and roosting boxes; (xv) an implementation schedule and maintenance program; and (xvi) an updated Biodiversity Net Gain Assessment calculations to demonstrate how the required biodiversity enhancements on site have been accommodated through the measures sets out within the Biodiversity Enhancement and Landscape Management Plan.

The approved Biodiversity Enhancement and Landscape Management Plan shall thereafter be implemented and operated in accordance with the approved implementation schedule and all ecological features comprised within the approved scheme shall be retained and maintained for a period of not less than 30 years from the date on which the implementation of the Biodiversity Enhancement and Landscape Management Plan was implemented.

Reason: This detail is required prior to development commencing on site to protect and enhance local ecology and biodiversity and to accord with policies LP53 and LP56 of the Council's adopted Local Plan and the National Planning Policy Framework.

29. Development shall not commence within any phase approved under condition 10 of this permission, except the development for which full planning permission is hereby permitted as defined at condition 1 of this permission, until a scheme detailing proposals for the inclusion within that phase of (i) on-site renewable energy generation technology or alternative decentralised renewable or low carbon energy services, (ii) energy and water conservation measures within the development and the use of sustainable construction methods and materials, and (iii) how the development will achieve a BREEAM excellent rating, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out or brought into use except in accordance with the approved scheme. The measures identified in the approved scheme shall thereafter be retained and the scheme adhered to unless a variation to the scheme is approved in writing by the Local Planning Authority.

Reason: This detail is required prior to development commencing on site to ensure that the detailed design and construction of the proposed development contributes towards reducing carbon dioxide emissions and the efficient use of resources in accordance with the National Planning Policy Framework, and policies SP24, LP32, LP33 and paragraph 7.109 of the Council's adopted Local Plan.

30. Development shall not commence within any phase approved under condition 10 of this permission, except the development for which full planning permission is hereby permitted as defined at condition 1 of this permission, until a security and crime prevention strategy for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a written explanation of the safety and security risks which have been assessed and how the design has been developed to reduce them,

together with details of all physical security measures including the location, height, design, materials and colour finish of all walls/fences; vehicle and pedestrian access gates and barriers; access controls; and site management arrangements. The development shall not be brought into use until the approved strategy has been implemented. The approved strategy shall thereafter be adhered to and complied with unless a variation to the strategy is approved in writing by the Local Planning Authority.

Reason: This detail is required prior to development commencing on site to ensure that the detailed design of the proposed development provides a safe and secure environment and reduces opportunities for crime; in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and in accordance with the National Planning Policy Framework and policies SP23, LP56 and LP60 of the Council's adopted Local Plan.

31. Development shall not commence within any phase approved under condition 10 of this permission until (i) a scheme of archaeological recording - which includes details of how the results of previous site investigations will be analysed, reported, published and archived - has been submitted to and approved in writing by the Local Planning Authority, and (ii) the recording has been undertaken in accordance with the approved scheme.

Reason: The site is within an area where there are features of archaeological importance which are required to be appropriately recorded to accord with policy LP66 of the of the Council's adopted Local Plan and the National Planning Policy Framework.

32. No phase of the development shall be occupied or brought into use until (i) details of all permanent acoustic fencing to be installed and retained have been submitted to and approved in writing by the Local Planning Authority and (ii) the permanent acoustic fencing relating to that phase has been fully installed. The acoustic fencing shall thereafter be retained.

Reason: In the interests of amenity and to accord with policies LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

33. No unit within a phase of the development shall be occupied or brought into use until an Operational Noise Management Plan (ONMP) for that unit has been submitted to and approved in writing by the Local Planning Authority. The ONMP shall include protocols for minimising noise from operational activities in all external areas, including the car park areas and servicing yards. The approved ONMP shall be implemented, operated and retained throughout the life of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties and to accord with policies LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

34. No unit within a phase of the development shall be occupied or brought into use until a scheme detailing (i) the delivery hours for that unit and (ii) how noise from deliveries and loading/unloading operations within that unit will be controlled, has been submitted to and approved in writing by the Local Planning Authority. No unit within a phase forming part of the development shall be occupied or brought into use until the approved scheme has been implemented which shall thereafter be retained and maintained, unless a variation to the scheme is approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to accord with policies LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

35. No unit within a phase of the development shall be occupied or brought into use until a scheme detailing all artificial lighting for external areas of that unit has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the location, position and height of any lighting, luminance levels, light spillage, angle of installation, any hoods to be fixed to the lights and details of the timer controls (including hours of use). No unit within a shall be brought into use until the approved scheme has been implemented and all lighting shall thereafter be maintained and operated in accordance with

the approved scheme, unless a variation to the scheme is approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, highway safety and crime prevention and to accord with the requirements of policies LP27, LP56, LP60 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

36. No phase of the development shall be occupied or brought into use until: (i) measures to prevent parking under the motorway bridge have been submitted to and approved in writing by the Local Planning Authority, and (ii) the agreed measures have been implemented and fully completed in accordance with an agreed timeline. The approved measures shall be retained thereafter.

Reason: In the interests of highway safety and to accord with policy LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

37. No unit within a phase of the development shall be occupied or brought into use until secure, covered, cycle parking facilities (to include changing and showering facilities) have been provided in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority in accordance with the prevailing standards. No unit within a phase of the development hereby approved shall be brought into use until all of the approved cycle parking and associated changing and showering facilities for that phase have been fully provided. The cycle parking and associated changing and showering facilities shall thereafter be retained and maintained for the lifetime of the development.

Reason To encourage sustainable methods of transport to accord with policies SP13 and LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

38. No works along the boundary of the M62 shall be undertaken unless and until details of a boundary treatment plan have been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the M62) for that phase of development. The plan shall include, as a minimum, details of the fencing location for that phase which should be a minimum of one metre from any part of the existing motorway fence where the boundary lies within one metre of this, the fencing type, construction method and details for maintenance. All works shall be undertaken in accordance with the agreed plan and maintained thereafter.

Reason: In the interests of amenity and highway safety and to accord with the National Planning Policy Framework, and policies LP27 and LP56 of the Council's adopted Local Plan.

39. No building forming part of the development shall be occupied or brought into use until: (i) until a scheme detailing the provision of electric vehicle charging point infrastructure for that building and its associated car parking area has been submitted to and approved in writing by the Local Planning Authority and (ii) the approved electric vehicle charging point infrastructure has been fully installed and is available for use. The infrastructure shall thereafter be retained.

Reason: To contribute towards a reduction in emissions in accordance with air quality objectives and to accord with Policy D67 of the Council's adopted Local Plan and the National Planning Policy Framework.

40. No phase of the development hereby approved shall be occupied or brought into use until a verification report demonstrating completion of the gas protection measures set out in the Geoenvironmental Appraisal Report [Lithos, August 2022, Ref:1687/8A] has been submitted to and approved in writing by the Local Planning Authority. The installation and verification of the gas protection measures must be in accordance with Verification Requirements for Gas Protection Systems, YALPAG, Version 1.1, December 2016].

Reason: To ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy SP23 and LP69 of the Council's adopted Local Plan and the National Planning Policy Framework

41. No phase of the development hereby approved shall be occupied or brought into use until a signed statement or declaration prepared by a suitably competent person confirming that the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity have been completed and agreed in writing by the Local Planning Authority.

Reason: To ensure the land can be made stable and safe for development and to accord with LP69 of the Council's adopted Local Plan and the National Planning Policy Framework.

42. No unit within a phase of the development shall be occupied or brought into use until a scheme detailing proposals for the inclusion within that unit and its curtilage of CCTV provision and including details of the location, orientation, type of camera, type and location of recording equipment and monitoring equipment, has been submitted to and approved in writing by the Local Planning Authority. The unit shall not be brought into use until the approved scheme has been implemented and fully provided. The approved scheme shall thereafter be adhered to and complied with, unless a variation to the scheme is approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and in accordance with the National Planning Policy Framework and policy LP60 of the Council's adopted Local Plan.

43. No unit with a phase of the development shall be occupied or brought into use until a scheme detailing: (i) the location, design and materials of all bin storage areas/enclosures and recycling storage areas, (ii) the location and design of refuse bins within that part of the site and (iii) a waste management strategy for that part of the site, has been submitted to and approved in writing by the Local Planning Authority. No phase of the development shall be brought into use until the works comprising the approved scheme have been completed, which shall thereafter be retained for the lifetime of the development, unless a subsequent variation to the scheme is approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to accord with policy LP56 of the Council's adopted Local Plan and the National Planning Policy Framework.

44. No phase of the development shall be occupied or brought into use until the approved boundary treatments, earth bunds and landscaping works for that phase have been implemented and provided in full. The approved boundary treatments and earth bunds shall be retained and maintained whilst ever the development subsists. All site landscaping shall, from its completion, be maintained for a period of at least five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to accord with policies LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

45. Each phase of the development hereby approved shall be carried out in accordance with the submitted flood risk assessment (titled "Axiom Castleford, Junction 32 M62 Flood Risk Assessment" reference 7983, revision P07, dated 05/06/2023, compiled by MJM Consulting Engineers) and the following mitigation measures detailed therein:

(i) Finished floor levels shall be set no lower than 25.6 metres Above Ordnance Datum (AOD),

(ii) The fluvial compensatory storage shall be constructed as per drawing number "7983-MJM-XX-XX-SK-C-0008" REV P01 DATED 05/06/2023, and

(iii) The compensatory storage shall be implemented and fully completed prior to any other development or land raising on site.

These mitigation measures shall be fully implemented and completed for each phase prior to the first occupation of that phase. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding of the buildings and to accord with policy LP29 of the Council's adopted Local Plan and the National Planning Policy Framework.

46. No building forming part of the development shall be occupied or brought into use until the approved access works, internal roads, hard standings, parking (including disabled parking and motorcycle parking), pedestrian crossings, turning areas and servicing areas relevant to that phase have been fully constructed and marked out in accordance with the details agreed through the approval of reserved matters for that phase of development. The access works, internal roads, hard standings, parking (including disabled parking and motorcycle parking), pedestrian crossings, turning areas and servicing areas shall be retained and maintained whilst ever the development subsists.

Reason: In the interests of highway safety and to accord with the National Planning Policy Framework and policy LP27 of the Council's adopted Local Plan.

47. There shall, at no time, be any structure or planting, erected or installed within the visibility splays for any of the new junctions shown on the relevant drawing approved through the approval of reserved matters for that phase of development which exceeds a height of 1m.

Reason: In the interests of highway safety and to accord with the National Planning Policy Framework and policy LP27 of the Council's adopted Local Plan.

48. No building forming part of the development shall be occupied or brought into use prior to the implementation of the approved (Full) Travel Plan(s) for that phase (or implementation of those parts identified in the approved Travel Plan(s) as capable as being implemented prior to occupation). Those parts of the approved Travel Plan(s) that are identified therein as being capable of implementation after occupation of that phase shall be implemented in accordance with the details contained therein and shall continue to be implemented as long as any part of that phase of the development is occupied, unless otherwise agreed in writing by the Local Planning Authority.

Reason To encourage sustainable methods of transport and to accord with policies SP13 and LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

49. No building forming part of the development shall be occupied or brought into use until unless and until the improvement scheme identified for M62 Junction 32, as shown in general accordance with Fore Consulting drawing ref: 3906 100-SK-001 Rev - dated 28/07/2022, titled Proposed Access Arrangement General Arrangement Drawing, or an alternative scheme that provides equal or greater benefit, is completed and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the M62) and is open to traffic.

Reason: In the interests of highway safety and to accord with policy LP27 of the Council's adopted Local Plan and the National Planning Policy Framework.

50. No more than 40,000 sq. m gross internal area of the development hereby approved shall be occupied or brought into use until the electric vehicle charging station has been fully constructed and made available for use.

Reason: To contribute towards a reduction in emissions in accordance with air quality objectives and to accord with policy LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

51. Prior to the commencement of piling construction works, a piling noise and vibration method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- o the proposed type and locations of piling;
- o an assessment of potential noise and vibration impacts from proposed percussive or vibratory piling, if required, in accordance with BS 5228-1:2009 +A1:2014; and
- o details of mitigation measures to ensure that the noise and vibration impacts of the piling works identified in the assessment are minimised.

The piling works within each respective phase must be carried out in strict accordance with the approved method statement for that phase.

Reason: To ensure impacts on amenity are acceptable and to accord with the requirements of policy LP67 of the Council's Local Plan and the National Planning Policy Framework.

52. Construction works shall not take place on Sundays or Bank Holidays nor at any other time except between the hours of 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays. No vehicle exceeding 7.5 tonnes maximum gross weight associated with the construction phase(s) of the development shall be permitted to arrive, depart, be loaded or unloaded outside 07.30 and 18.00 hours on Monday to Friday, 08.00 and 13.00 on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of amenity and to accord with policy LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

53. No externally sited fixed plant, machinery or equipment (including ventilation and extraction equipment); or internally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) which communicates directly to the exterior of a building used in connection with the development shall be fitted until a scheme for the control of noise arising from the said plant, machinery and equipment has been submitted to and approved in writing by the Local Planning Authority. The works comprising the approved scheme shall be completed before any such items are brought into use and shall be retained and operated throughout the life of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties and to accord with policies LP56 and LP67 of the Council's adopted Local Plan and the National Planning Policy Framework.

54. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must cease and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with best current guidance and practice, and where remediation is necessary a remediation scheme must be prepared and be submitted to and approved in writing by the Local Planning Authority. Following the completion of the measures identified within the approved remediation scheme, a verification report must be prepared, which must be submitted to and approved in writing by the Local Planning Authority before any development re-commences.

Reason: To ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP23 and LP69 of the Council's adopted Local Plan and the National Planning Policy Framework.

55. The development, including site preparation works shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Environmental Statement, dated November 2022.

Reason: In the interests of mitigating the environmental impacts of the development in accordance with Policies SP23, SP24, LP51, LP27, LP53, LP54, LP55, LP56, LP66, LP67, LP29, LP30, LP32 and LP33 of the Council's adopted Local Plan and the National Planning Policy Framework.

This recommendation is based on the following plans(s):-

Plan Type	Reference	Version	Date Received
Drawing	Landscape General Arrangement	GIL-0100-01	05.12.2022
Drawing	Location Plan	A-2100-S3-P1	05.12.2022
Drawing	Proposed Access Arrangement	3906-100-SK-001	05.12.2022
Highways/Transport Documentation	Technical Note dated 4 May 2023		04.05.2023
Drainage Documentation	Response to EA dated 25.04.23		05.05.2023
Drainage Documentation	Response to LLFA dated 25.4.23		05.05.2023
Drawing	TOPO Survey Sheet 1 of 2	C-0002-S2-P1	05.12.2022
Drawing	TOPO Survey Sheet 2 of 2	C-0003-S2-P1	05.12.2022
Drawing	Proposed Levels	C-6600-S2-P8	05.12.2022
Drawing	Proposed Levels Sheet 1 of 2	C-6601-S2-P8	05.12.2022
Drawing	Proposed Levels Sheet 2 of 2	C-6602-S2-P10	05.12.2022
Drawing	Mound Sections - West	C-6701-S2-P3	05.12.2022
Drawing	Mound Sections - East	C-6702-S2-P7	05.12.2022
Drawing	Swale Sections Unit 4 and Unit 5	C-6703-S2-P2	05.12.2022
Drawing	Mound Sections - East North of Unit 5	C-6704-S2-P2	05.12.2022
Drawing	North - South Sections Sheet 1 of 3	C-6711-S2-P3	05.12.2022
Highways/Transport Documentation	Response email		03.10.2023
Drainage Documentation	Proposed Sections West Bund	MJM-XX-XX-DR-C-6701-S2-P	27.07.2023
Drainage Documentation	Surface Water Temp Drainage Post Site Strip	MJM-XX-XX-DR-D-6605-S4-P	27.07.2023
Drainage Documentation	Temp surface water drainage	XX-XX-DR-C-6701 rev P5	14.09.2023
Drawing	North - South Sections Sheet 2 of 3	C-6712-S2-P3	05.12.2022
Drawing	North - South Sections Sheet 3 of 3	C-6713-S2-P3	05.12.2022
Drawing	Boundary Sections Key Plan	C-6720-S2-P2	05.12.2022
Drawing	Boundary Sections Sheet 1 of 2	C-6721-S2-P2	05.12.2022

Plan Type	Reference	Version	Date Received
Drawing	Boundary Sections Sheet 2 of 2	C-6722-S2-P2	05.12.2022
Drawing	East-West Sections Key Plan	C-6730-S2-P2	05.12.2022
Drawing	East-West Sections Sheet 1	C-6731-S2-P2	05.12.2022
Drawing	Cut and Fill Volumes	C-6800-S2-P5	05.12.2022
Drawing	Proposed Drainage - Site Wide	D-6600-S2-P02	05.12.2022
Drawing	Surface Water Overland Flow Routes	D-6602-S2-P02	05.12.2022
Drawing	Surface Water Temporary Drainage	D-6603-S2-P02	05.12.2022
Drawing	Highway - Proposed Layout Sheet 1 of 2	H-1001-S2-P3	05.12.2022
Drawing	Highway - Proposed Layout Sheet 2 of 2	H-1002-S2-P4	05.12.2022
Drawing	Highway - Proposed Levels Sheet 1 of 2	H-1011-S2-P3	05.12.2022
Drawing	Highway - Proposed Levels Sheet 2 of 2	H-1012-S2-P4	05.12.2022
Drawing	Highway - Proposed Profiles Chainage to 0 to 300m	H-2001-S2-P2	05.12.2022
Drawing	Highway - Proposed Profiles Chainage 300m to 600m	H-2002-S2-P2	05.12.2022
Drawing	Highway - Proposed Profiles Chainage 600m to End	H-2003-S2-P2	05.12.2022
Drawing	Proposed Site Masterplan	A-2103-S3-P4	05.12.2022
Drawing	Proposed Land Use Parameters Plan	A-2101-S3-P5	05.12.2022
Drawing	Proposed Building Maximum Heights Parameters Plan	A-2102-S3-P6	05.12.2022
Drainage Documentation	Surface water temporary drainage	7983-MJM-XX-00-DR-D-6605	11.07.2023

Note(s)

1. Standard Informative COAL2: Coal Authority Informative Note
2. The applicant's attention is drawn to the advice provided within the following consultation response:
 - The Environment Agency consultation response dated 20 June 2023;
 - The Natural England Standing Advice dated February 2023;
 - The WMDC Highway Development Management response dated 22 November 2023; and
 - The West Yorkshire PALO response dated 13 March 2023.
3. All Bats and their roosts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2010 (as amended). It is an offence to A) Kill, injure or

take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that all works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

4. The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations (as amended), the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition is likely to take place during the bird breeding season (1st March to 31st August inclusive). Any vegetation clearance work should also avoid the bird breeding season.

5. The applicant is advised that Badgers (*Meles meles*) are protected under the Wildlife and Countryside Act, 1981 and more specifically under the Protection of Badgers Act, 1992. Under these Acts, it is an offence to wilfully take, kill, injure or ill-treat a badger, to possess a dead badger or any part of a badger or to interfere with, obstruct, destroy or damage a badger sett. Under these Acts, badgers are also protected against disturbance whilst within a sett. Accordingly, badgers can only be disturbed under a Licence from Natural England. In terms of badger setts, the Protection of Badger Act, 1992 defines a badger sett as "any structure or place which displays signs indicating the current use by a badger". Natural England takes this definition to include seasonally used badger setts.

6. The applicant is advised that additional ecological surveys may be required to be undertaken ahead of development commences on-site to ensure that works are compliant with relevant legislation pertaining to legally protected species.

7. The applicant is advised that this application has been determined on the basis of the information available to the Local Planning Authority and does not mean that the land is free from contamination. The NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

8. It is advised that if any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. Further information can be found on the Environment Agency's website at: <http://www.environment-agency.gov.uk/subjects/waste>

Case Officer: Ian Pollard

Background Papers: The application form, drawings, documents, consultation responses, and representations on file reference 22/02485/HYB, together with the application form, drawings, documents, consultation responses and representations on the files referred to in the Planning History section of this report.

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