



---

## Appeal Decision

Inquiry held on 8 - 10 November 2016

Site visit made on 11 November 2016

**by David Richards BSocSci DipTP MRTPI**

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

**Decision date: 06 December 2016**

---

**Appeal Ref: APP/H1840/3137518**

**Land adjacent to Sims Metals (South West) Ltd, Long Marston, Pebworth (Wychavon DC).**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Codex Land Promotions Ltd against the decision of Wychavon District Council.
  - The application Ref W/13/00132/OU, dated 3 December 2014, sought approval of details pursuant to condition No 9 of a planning permission granted on appeal by the Secretary of State for Communities and Local Government, Ref. APP/H1840/W/13/2202364, granted on 2 July 2014.
  - The application was refused by notice dated 17 July 2015.
  - The development proposed is outline planning application for a mixed use development, comprising up to 380 dwellings, up to 5000m<sup>2</sup> of employment (Class B1(c)) floor space, a minimum of 400m<sup>2</sup> of community (Class D2) building(s), public open space and associated landscaping and infrastructure, in accordance with application Ref: W/13/00132.
  - The details for which approval is sought are: Connectivity scheme.
- 

### Decision

1. The appeal is dismissed and approval of the reserved matters is refused, namely connectivity scheme details submitted in pursuance of condition 9 attached to planning permission Ref APP/H1840/W/13/2202364 dated 2 July 2014.

### Main Issue

2. The main issue is whether the connectivity scheme submitted by the Appellant satisfies the requirements of Condition 9 of the permission Ref. APP/H1840/W/13/2202364.

### Planning history

3. The appeal site covers 22.7 ha with 22.57 ha of the site within Wychavon District and 0.12 ha within Stratford-on-Avon District. It lies between the B4362 Campden Road and the Long Marston Road. The site has historically been used as a former MOD Engineers Depot as well as for storage use (including scrapping of vehicles and rail rolling stock) although there is little evidence of any previous buildings or structures remaining. To the north, the appeal site adjoins the Long Marston Storage Depot Site. It comprises a large

- scheme for the redevelopment of and joining land and buildings being promoted by St. Modwen Developments (The St. Modwen scheme), which is currently at an advanced stage of implementation.
4. Outline planning permission for the current appeal site was granted by the Secretary of State for Communities and Local Government (SoS) on 2 July 2014, following a public Inquiry held in November 2013 (Ref: APP/H1840/A/13/2202364) – CD F44. The permission is for a mixed use development as described in the header above. In the decision letter (DL) the SoS concluded that at the time the Council had not unequivocally demonstrated that it had a five-year supply of housing and that paragraph 14 of the Framework was engaged (DL 12). He also concluded that there were no more sustainable sites in the District which could be relied upon to meet the 5 year supply. He agreed with the Inspector that 'the appeal scheme, like the St. Modwen scheme, [should] be regarded as being in accordance with the paragraph 17 of the Framework as being a location that can be made sustainable; but that this will depend on a Connectivity Scheme being agreed without which the appeal scheme must fail'. In common with the Inspector and the Appellants at the present appeal, he considered this to be 'absolutely crucial' (DL 13). At DL 25 he concluded that although the proposal conflicted with the relevant development plan policies, they were out of date. The site was available, would provide a significant proportion of much-needed affordable housing, and that 'the scheme would be well located in terms of proximity to the basic facilities to be provided as part of the St. Modwen development'. He accordingly considered that the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
  5. A related application for a 4 arm roundabout to serve the appeal scheme was approved by Stratford District Council on 1 August 2013 (Ref. 13/00126/OUTA).
  6. Planning permission was originally granted for the St. Modwen scheme in April 2009 by Stratford on Avon District Council. The main planning permission governing the development of the site is a hybrid permission Ref 12/00484/VARY dated 31 October 2012. It permits up to 500 dwellings, an outdoor activity centre, 150 self-catering lodges, 150 holiday homes, an 80 pitch touring caravan facility with ancillary facilities, sports pitches and changing facilities, a rail related leisure attraction, passenger steam train service and central leisure facilities building to include retail leisure and commercial facilities building. The permission also provides for new accesses for vehicles, pedestrians and cycles including an extension to the Greenway, a traffic free route for pedestrians and cyclists linking the site with Stratford on Avon. Access was not a reserved matter. In addition the full element of the permission permits the retention of some 80,374 m<sup>2</sup> of existing industrial floorspace and hardstanding, the retention of an existing trade vehicle auction use, change of use of 2797 m<sup>2</sup> of rail related facilities to Class B1(b) and B1(c), B2 and B8 uses and the construction of a new roundabout access to Campden Road.
  7. Works to implement the St. Modwen scheme are well advanced with the provision of the new roundabout on Campden Road completed, along with the Greenway extension to Campden Road, the sports, leisure and community facilities as well as a large number of dwellings.

## Reasons

8. Condition 9 of the outline permission reads as follows:

### **Connectivity scheme**

*No development shall commence until details of a Connectivity Scheme including a timetable for the actual provision of the linkages have been submitted to and approved in writing by the local planning authority indicating how the approved development shall integrate with the adjacent development permitted by Stratford on Avon District Council under permission Ref. 09/00835/FUL (as amended). Development shall then be carried out as approved.*

9. Justification for the conditions is set out in DL 23, which includes cross referencing to the Inspector's Report (IR) and reasoning. It states that the SoS has considered the proposed conditions (IR393-394) and the Inspector's reasoning and conclusions thereon (IR510-538); and he is satisfied that the conditions as proposed by the Inspector and set out at Annex A [to the DL] are reasonable, necessary and would meet the tests of paragraph 206 of the Framework and the planning guidance.

10. The Inspector's reasoning for recommending the attachment of condition 9 is set out at IR 522, headed 'Connectivity Scheme', as follows:

11. *'To ensure that the proposed development minimises the need to travel and maximises the use of sustainable modes of transport in order to access essential facilities, a condition requiring a Connectivity Scheme is needed to successfully integrate the proposed development and to create a sustainable extension to the (already permitted) adjacent St. Modwen development. Given the Grampian nature of such a condition, the Appellant has demonstrated that there is a reasonable prospect of a Connectivity Scheme coming forward, but the Appellant has accepted that in the absence of such a scheme coming forward, that the entire scheme would fail.'*

12. Condition 1 of the permission is also relevant to the determination of the Appeal:

### **Plans**

*The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as those plans relate to matters not reserved for future determination:*

- *Location Plan*                      13070/1030/D
- *Development Plan*                13070/1070/C
- *Context Plan*                        13070/3202 D
- *Constraints Plan*                  13070/2000 C
- *Proposed Access Plan*          13070/3203 A
- *Framework Plan*                    13070/3200/H

- *Proposed Access Plan 13070/3203/A<sup>1</sup>*
- *Campden Road – Proposed Access Arrangement Fig 3.1 2121602*

### **Connectivity scheme**

13. The scheme submitted by the Appellants in December 2015 in the reserved matters application included the following plans and documents:
  1. 04 21216-04 Rev 03\_2016.03.02 - Boundary Connection Detail **CD G1**
  2. 151215 13070 3200 L Framework Plan Long Marston **CD G2**
  3. Long Marston Highways Technical Note 09-03-16 and Appendices **CD G3**
  4. Timeline – Condition 9 – updated 03.03.16 **CD G4**
14. These plans and documents also formed the basis of the appeal submission. They illustrate a pedestrian/cycleway connection via the main site access with a link to the Greenway on highway land adjacent to the roundabout access. In addition, further plans show the location of a proposed direct linkage from the appeal site to the St. Modwen land at Point 10 on Framework Plan L (CD G2).
15. Additional plans were subsequently submitted and were accepted by the Planning Inspectorate for consideration as part of the appeal. These were:
  5. 21216-3.1.04 2014.12.23 – Campden Road Proposed Access Arrangement **CD G5**
  6. Framework Plan K **CD G6**, showing an area safeguarded to provide further potential access connections between the two sites.
16. The Appellant's position is that if the Connectivity scheme is approved on this basis, it would commit them to providing the Greenway linkage in addition to a specific point of connection on the eastern boundary of the site whilst providing sufficient flexibility for further connections to be provided if appropriate. They say that the location and nature of the connections on the appeal site can be approved safe in the knowledge that there are mechanisms in place so as to ensure that (St Modwen) will facilitate a reciprocal connection with the Safeguarded Area shown in Framework Plan K providing further flexibility. Connection 1 (Framework Plan L, **CDG2**) links to an existing route through the St Modwen site and the Appellant's view is that this provides a clear level of integration. (CD I1 – Proof of Evidence of Sally Tagg, para 4.26)

### **Legal submissions**

17. For the Appellant it was argued that the permission, properly interpreted, does not require a legal agreement between the Appellant and St Modwen for Condition 9 to be discharged. Neither Condition 1 nor Framework Plan H (specified as an approved plan within Condition 1) fix the number or location of linkages to be considered under Condition 9.
18. My attention was drawn to the Supreme Court judgment in Marks and Spencer plc v. BNP Paribas [2016] A.C. 742 at paras 14 – 32 (Document INQ 16). While the judgment is concerned with the effect of a commercial contract, it sets out principles that are applicable to the interpretation of legal documents generally.

---

<sup>1</sup> These references are as set out in the DL. It is noted that reference to the proposed access plan is duplicated.

The Supreme Court held that the task of the court is first, to interpret the words that are present and second to consider whether words that are not present should nonetheless be read in, but only to do so where that is necessarily implicit. The judgment warns against implying a term into a detailed commercial contract merely because it is fair or because it is considered that the parties would have agreed to it if it had been suggested to them, and concludes in paragraph 21 that 'a term can only be implied if, without the term, the contract would lack commercial or practical coherence'.

19. In the recent case of Trump International Golf Club Scotland Ltd v. Scottish Ministers [2016] 1 W.L.R. 85 (Document INQ 15) the Supreme Court held that the general principles outlined above apply, albeit with some adaptation, to the context of public documents such as planning permissions. In considering the question of how to interpret the express words present Lord Hodge states at paragraph 33:
20. *'Differences in the nature of documents will influence the extent to which the court may look at the factual background to assist interpretation. Thus third parties may have an interest in a public document, such as a planning permission ... in contrast with many contracts. As a result the shared knowledge of the applicant for permission and the drafter of the condition does not have the relevance to the process of interpretation that the shared knowledge of parties to a contract, in which there may be no third party interest, has. There is only limited scope for the use of extrinsic material in the interpretation of a public document, such as a planning permission or a section 36 consent'*. (Reference is then made to R v Ashford Borough Council, ex parte Shepway District Council [1999] PLCR 12, paragraphs 19C to 20B – discussed below).
21. The judgement continues in paragraph 34:

*When the court is concerned with the interpretation of words in a condition in a public document such as a section 36 consent, it asks itself what a reasonable reader would understand the words to mean when reading a condition in the context of other conditions and of the consent as a whole. This is an objective exercise in which the court will have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, any other conditions which cast light on the purpose of the relevant words, and common sense. Whether the court may also look at other documents that are connected with the application for the consent will depend on the circumstances of the case, in particular the wording of the document that it is interpreting. Other documents may be relevant if they are incorporated into the consent by reference, or there is an ambiguity in the consent, which can be resolved by considering the application for consent.*

22. It goes on in paragraph 35:

*Interpretation of the words of a document is the precursor of implication. It forms the context in which the court concludes from its interpretation of the words used in the document that it must have been intended that the document would have a certain effect, although the words to give it that effect are absent. .... While the court will, understandably, exercise great restraint in implying terms into public documents which have criminal sanctions, I see no principled reason for excluding implication altogether.*

23. The legal principles applicable to the use of other documents to construe a planning permission are set out in *R v Ashford Borough Council (ex parte Shepway DC)* [1999] P.L.R.C 12 (Document INQ 14). The general rule is that in construing a planning permission which is clear, unambiguous and valid on its face, regard may only be had to the planning permission itself, including the conditions (if any) on it and the express reasons for those conditions. This rule excludes reference to the planning application as well as to other extrinsic evidence, unless the planning permission incorporates the application by reference. If there is an ambiguity in the wording of the permission, it is permissible to look at extrinsic material, including the application, to resolve that ambiguity.
24. The Appellant goes on to distinguish between the express words used in the permission, and the decision-maker's underlying reasoning. In this context it is stated that the words that count, i.e. those that have legal effect, are the words of the planning condition. An analogy was drawn by Mr Banner with the relationship between the legally operative words of a development plan policy and the supporting text. It was held in the case of *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567 (Document INQ 17) that the supporting text to a policy is plainly relevant to the interpretation of a policy, but it is not itself a policy or part of a policy, it does not have the force of policy and it cannot trump the policy (paragraph 16).
25. Related issues were recently explored in *Dartford BC v SSCLG* [2016] EWHC 635 (Admin) (Document INQ 19) which emphasised that policy must be interpreted 'in accordance with the language used' and held that it was not a task for the court to give planning policy a meaning which the wording cannot bear, even if that wording is thought to have undesirable consequences. In allowing leave to appeal, Lindblom LJ nevertheless stated that the approach to interpreting planning policy does not 'provide a licence to turn the language used .. on its head' (Document INQ 20).
26. In *R (Redrow) v First Secretary of State* [2003] EWHC 3094 (Document INQ 22), the judge expressed disagreement with the Secretary of State's submission on the interpretation of a planning condition on the basis that it 'effectively elevates the reasons given for the imposition of Condition 5 and treats them as though they were a separate condition in their own right.'

### **Discussion of legal submissions**

27. Adopting the approach to interpretation advocated in the Trump case it is necessary to consider what a reasonable reader would understand the words of Condition 9 to mean when reading the condition in the context of other conditions and of the consent as a whole. This is an objective exercise in which regard will be had to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, any other conditions which cast light on the purpose of the relevant words, and common sense. Whether other documents that are connected with the application for the consent may be looked at will depend on the circumstances of the case, in particular the wording of the document that it is interpreting. Other documents may be relevant if they are incorporated into the consent by reference, or there is an ambiguity in the consent, which can be resolved by considering the application for consent.

28. Condition 9 reads as follows: *'No development shall be commenced until details of a Connectivity Scheme including a timetable for the actual provision of the linkages have been submitted to and approved in writing by the local planning authority indicating how the approved development shall integrate with the adjacent development permitted by Stratford on Avon District Council under permission Ref. 09/00835/FUL (as amended). Development shall then be carried out as approved'*.
29. The details submitted by the Appellant to discharge the condition include the provision of a footpath/cycleway link via alongside the main access to the development, with a connection to 'the Greenway', an existing footpath/cycleway which passes through the adjacent St. Modwen site to the central community and retail facilities, and beyond. The connection adjacent to the proposed Campden Road roundabout already has planning permission, and it is within the Appellant's control to deliver this route before any dwelling on the appeal site is occupied. The Appellant's scheme would also provide for a pedestrian cycleway link up to the boundary between the two sites at Location 2 shown on the amended Framework Plan Rev L. However the Appellant has no control over what happens on the other side of the boundary, and hence is unable to control the timing of delivery of an actual link or links over other, more convenient routes to the central facilities on the St Modwen site. While St Modwen are agreeable in principle to such a route, no agreement has been reached with the Appellant. Mr Bird, a representative of the Appellant, made a statutory declaration to the effect that St Modwen are seeking a substantial contribution from the Appellant towards the cost of providing the facilities, on which the ability of the appeal site to be made sustainable depends in no small measure.
30. A common sense interpretation of the meaning of the condition turns on what is meant by 'integrate'. In this case, the Council submitted that it should be taken to mean 'two becoming one'. This seems to me entirely consistent with a dictionary definition: 'Combine (two things) to form a whole'.<sup>2</sup> In the particular circumstances of this case, where there are two large sites adjacent, both of which extend a substantial distance from the principal points of vehicular access, I consider that integration requires considerably more than a link via highway land adjacent to the access at the eastern extremity of the appeal site.
31. The Appellant contends that the precise wording of the condition does not require any agreement between the parties. It was argued that not all negatively worded conditions are grampian style conditions, an example being Condition 29 which requires a bund to be completed as per the approved plans before the development commences. However, in my view, the reason this is not a grampian condition is that it does not involve anything which is outside the Appellant's control.
32. Grampian conditions are used in circumstances where it is necessary for something to be done which is not within the Appellant's control, but where there is a reasonable prospect of the action in question being performed<sup>3</sup>. To my mind, Condition 9 is clearly in grampian form. It is plain on its face that it requires something to be done which is not on the Appellant's land or within the Appellant's control.

---

<sup>2</sup> <https://en.oxforddictionaries.com/definition/integrate>

<sup>3</sup> ODPM letter to Chief Planning Officers in England 25 November 2002 (Doc XX)

33. If it is considered that there is any ambiguity in the wording of the condition (which I do not accept) then it is easily resolved by reference to the Secretary of State's Decision Letter and the Inspector's Report (Document INQ F 44).
34. DL paragraph 13 states that: '*He (i.e. the SoS) agrees with the Inspector that, for the reasons given at IR450-451, the appeal scheme should, like the adjoining St Modwen scheme, be regarded as being in accordance with paragraph 17 of the Framework as being a location which can be made sustainable, but that this will depend on a connectivity scheme being agreed without which the appeal scheme must fail. Like the Inspector and your clients, the Secretary of State considers this to be absolutely crucial.*'
35. The reference here to '*your clients*' is to the same Appellant as at this reserved matters appeal.
36. At IR451 the Inspector states the following:

*To ensure the proposed development minimises the need to travel and maximises the sustainable modes of transport in order to access essential facilities a condition requiring a Connectivity Scheme is needed to successfully integrate the proposed development and to create a sustainable extension to the adjacent St Modwen development. It also depends upon the adjoining development progressing to the Phase where the shop and community facility are provided on the St Modwen site. Whilst the correspondence confirms that the Appellant has been in active discussion with the adjoining developer, and whilst arguably the proposed links would be to the mutual advantage of both developments, it would require the cooperation of a third party. Nevertheless, I am satisfied that there is a reasonable prospect of an agreement being reached, and the Appellant has accepted that in the absence of such a Connectivity Scheme coming forward if it was the subject of a condition, that any planning permission must fail. Furthermore, I saw on site that the St Modwen development appears to be progressing and as stated elsewhere the development of the appeal site and the Connectivity Scheme would be to the mutual advantage of both sites.'*

37. The Inspector's reasoning here reflects the manner in which the case was put by the Appellant at the 2013 Inquiry, set out in IR 90, which is taken verbatim from the Appellant's closing submissions to the Inquiry and expressly references the need for a grampian style condition.
38. The SoS does not give separate reasons for the conditions set out in Annex A to the DL., but adopts in full the Inspector's reasons at IR510-538. Paragraph 522 sets out the Inspector's reason for condition 9:

*'To ensure the proposed development minimises the need to travel and maximises the sustainable modes of transport in order to access essential facilities a condition requiring a Connectivity Scheme is needed to successfully integrate the proposed development and to create a sustainable extension to the adjacent St Modwen development. It also depends upon the adjoining development progressing to the Phase where the shop and community facility are provided on the St Modwen site. Given the 'Grampian' nature of such a condition, the Appellant has demonstrated that there is a reasonable prospect of a Connectivity Scheme coming forward, but the Appellant has accepted that*



*in the absence of such a scheme coming forward, that the entire scheme would fail.'*

39. The Appellant contends that the reasoning in the DL and IR is extrinsic material, which should not be taken into account in interpreting the meaning of the condition. On the Appellant's submissions, the only material on which interpretation should be based is the Formal Decision at DL26 and the Conditions in Annex A. However, in this case it seems to me that the reasoning set out in the DL is an integral part of the structure of the Decision, and essential to understanding the nature of the permission granted. Furthermore it cross-references essential elements of the IR reasoning to support its conclusions, for example in the reasons given for imposing conditions, thereby incorporating the IR into the Decision.
40. This is not a case where a reason for a condition has been elevated to a condition in its own right, as in the Redrow Homes case. Nor can it plausibly be argued that the Appellant here is in the position of a third party (such as a subsequent purchaser of the site) who should not have to resort to a paper chase to interpret the permission correctly. There would be no need for a paper chase. Much of the reasoning in the DL and IR directly reflects the manner in which the case was promoted by the Appellants at the 2013 Inquiry. The Inspector's reporting of the case has not been challenged. The express reasons for the condition are those in IR 522. This material would appear to me well within the rules set out in by Keene J in the Shepway case (Document INQ 14) as being admissible in the interpretation of a condition where it is suggested that there is any ambiguity.
41. The Appellant further suggests that there is no need for an agreement with the adjacent developer, as Stratford-on-Avon Council (SoAC) can require the links to be provided to the boundary when determining a reserved matters application for Phase III of the St Modwen site. Notwithstanding the letter from SoAC stating that it will adopt this approach, and the support for such an approach in Policy CS9, B criteria 4 & 6 of the Stratford on Avon Core Strategy (July 2016), I do not consider that SoAC could legally require this to be done in the context of a reserved matters application. There is nothing in the original hybrid permission (as amended) that requires St Modwen to provide pedestrian and cycle links to the boundary of the current appeal site.<sup>4</sup> Site access was not a reserved matter. Nor was this a matter in consideration in reaching the conclusion that the St Modwen site could be main sustainable. While it can be argued that it might be in the interest of residents of the St Modwen site to provided such links (to provide access to the proposed bus service to Honeybourne Station, and possible future community facilities) I do not consider it can be enforced retrospectively in the context of a reserved matters application. In contrast, the current appeal site is clearly dependant on the facilities provided on the St Modwen site for its sustainability credentials.

---

<sup>4</sup> My attention was drawn by St Modwen to the case of *Hall and Co. Ltd. v Shoreham-by-Sea Urban District Council and Another* [1961 H. No 3595] (Document INQ 21), where Harman LJ concluded that 'It may that it is within the power of the authority to require an applicant to grant his neighbour a right of way over his land as a condition of its development. It is not in my judgment within the authority's powers to oblige the planner to dedicate part of his land as a highway open to the public at large without compensation ...'. Reference was also made to the Redrow Homes case (Document INQ 22), in which Sullivan J states at paragraph 44 that 'A condition may lawfully be imposed upon an approval of details, but its effect must not be such as to amount to a revocation or modification of the 'parent' outline permission.'

42. This approach was canvassed by the Appellants at the 2013 Inquiry (see IR 92) but was not taken up by the Inspector or the SoS, who considered something more was necessary. In my view, the approach advocated by the Appellant would amount to a modification of the parent permission on the St. Modwen site.

**Whether the connectivity scheme submitted by the Appellant satisfies the requirements of Condition 9.**

43. The scheme submitted provides a link via the site access and the Greenway which can be delivered. It also provides for a connection point on the boundary to the adjoining St Modwen site and for the links on the appeal site to be provided either before the first dwelling is occupied or at a trigger point to be defined by the decision maker. A signed section 106 obligation is intended to give additional confidence that these matters will be addressed, but in practice adds nothing to what could be achieved by a condition on any reserved matters approval.
44. The proposed link via Greenway was on the table at the 2013 Inquiry, and, had it been considered to provide for proper integration between the two sites so as to make the appeal site sustainable, the development could have been approved without the need for any other arrangement. It is clear that both the Inspector and the SoS considered that something more was necessary. The Appellant proffered a negatively worded condition at the Inquiry, in response to the concerns of objectors, notably BARD, regarding the impact of the scheme on the highway network and the need to maximise the use of non-car means of transport.
45. The clear intention is illustrated in the Framework Plan Rev H, which shows, in addition to the Campden Road link, three potential pedestrian/cycle access points (annotated 6 on the plan) along the common boundary with the St Modwen land.
46. Framework Plan Rev H is incorporated in the permission through Condition 1. I accept that it is labelled 'Illustrative Master Plan', and that item 6 on the key is worded 'Potential Linkage (Ped/Cycle) to adjacent open space and development'.
47. Condition 1 states that: 'The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as those plans related to matters not referred to matters not reserved for future determination.' The Framework Plan 13070/3200/H was one of the plans specified. Access was not a reserved matter. In my judgement, the pedestrian and cycle link proposals form part of the access proposals for the site. They are critical to the conclusion in the DL that the development is capable of being made sustainable.
48. This view accords with the Town and Country Planning (Development Management Procedure) (England) Order 2015/595 which defines 'Access' as follows:

*'Access' in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles, and pedestrians in terms of the positioning and*

*treatment of access and circulation routes, and how these fit into the surrounding access network; ..'* (Document INQ 9)

49. The connectivity scheme shown on Framework Plan H derives from Figure 6.3 of the ES Addendum to the outline application (CD M.3). That scheme also informed the Addendum Transport Assessment (Rule 6 CD Ref E44), Travel Plan (Rule 6 CD Ref E38) and the Environmental Statement (Rule 6 CD Ref E40), matters that go to the heart of the application and the SoS decision on Appeal.
50. Figure 2.1 to Mr Roderick's (the Appellant's transport witness) proof (CD I2) shows the route from the centre of the appeal site via the cross boundary connection in the north east corner of the site (Point 10 on Framework Plan Rev L – CD G2). It shows a relatively direct route which minimises the walking and cycling distance. His evidence was that that the walking distance from the centre of the Appeal site to the central facilities on the St Modwen site would be some 789 metres (distance to the Community Hall) – 914 metres (distance to the Leisure Centre). This would equate to a maximum walking time of some 11 minutes. Even if this connection is not provided, Mr Roderick considers that alternative and highly attractive routes would be available via Campden Road, the Greenway and existing routes through the existing housing areas on the St Modwen development. In his view, the calculated distances via Campden Road would not be significantly further than those associated with the boundary connection, equating to only an additional 4 minutes walking time.
51. Figure 2.2 (of CD I2) shows the route via Campden Road and the Greenway. The corresponding distances from the centre of the site are 1255 metres to the Hall, and 1380 metres to the leisure centre. Figure 2.3 shows the route via Campden Road and Ubique Avenue on the St Modwen site. The measured distances from the centre of the appeal site are 1170 metres to the Hall, and 1260 m to the leisure centre.
52. Mr Roderick referred to revised guidance published by the CIHT in 2015: Planning for Walking. Paragraph 6.4 deals with pedestrian catchments and states:
- 'Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes (around 800m) However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscape factors (indigenous planting, habitat creation) in their design'.*
53. It was pointed out at the Inquiry by St. Modwen that this was extant guidance at the time of the 2013 Inquiry, being derived from guidance published by the Department of Transport in 2008.<sup>5</sup>
54. I acknowledge the attractiveness of the Greenway as a walking route which may be used for a variety of purposes. However, it would be some 50% longer than the cross boundary route. It is evident from a comparison of Mr Roderick's three plans that the cross boundary connection would be substantially more

---

<sup>5</sup> Paragraph 6.4: Planning for Walking CIHT 2015

attractive for future residents of the appeal site. It would allow a significantly shorter and more direct connection in comparison with the routes via Campden Road. In terms of walking times, Mr Roderick's evidence estimates walking times from the centre of the appeal site to the facilities on the St Modwen site of 7 – 8 minutes via the boundary connection, 12 – 13 minutes via the Greenway connection and 11 – 12 minutes via Ubique Avenue. As measured by Mr Millington (St Modwen Transport Witness) and not disputed at the Inquiry, the routes via Campden Road would be between 26% and 50% longer than those suggested in the approved Framework Plan H, depending on which route is assumed. It should be borne in mind that for shopping and leisure purposes, a return trip would also be necessary. I agree that these extra distances are not marginal, and would involve the use of a more circuitous route.

55. Mr Roderick's time estimates are based on speeds of 1.8 metres per second, equivalent to some 4 mph. Use of the CIHT guidance figure of 1.4 metres per second (approximately 3.2 mph) would add proportionately to these timings. I acknowledge that the timings used by Mr Roderick are based on actual timings, but walking speeds vary considerably between individuals, and I see no special justification in departing from the CIHT guidance figure.
56. To my mind, the additional time taken to walk via either of the Campden Road routes would amount to a significant disincentive to walking, making it more likely that residents of the appeal site would choose to use a car for the relatively short journeys involved. This would involve additional traffic on the local highway network, particularly Campden Road, and is central to the judgement on sustainability. To my mind, reliance on the routes via Campden Road stretches the concept of integration, as required by Condition 9, beyond what it will sensibly bear. If the Appellant had considered at the time of the 2013 Inquiry that such routes were satisfactory to ensure integration, it follows that there would have been no need to consider, even on an illustrative basis, the more extensive connection points set out in Framework Plan H.
57. I acknowledge that it may not be necessary to provide all the potential connections shown in Framework Plan Rev H to achieve satisfactory connectivity, but as a minimum, the connection shown on Framework Plan Rev L Point 10 is necessary to achieve sustainability, and it is necessary for the Appellant to show that actual delivery can be secured.
58. I also accept that the distances and timings via the routes shown in Figures 2.2 and 2.3 using a bicycle would be acceptable, but note that cycle usage only makes up a very small proportion of potential journeys. As regards the proposed bus service linking the two sites, usage would require a degree of pre-planning and I do not consider that it is likely to attract a significant degree of usage for journeys between the appeal site and the facilities on the St. Modwen site. The hours of operation would in any case be limited to 07:00 - 09:00 and 15:00 – 18:00 on weekdays (CD I2, para 2.28).
59. I conclude that the scheme that is now proposed by the Appellant falls well short of satisfying the requirements of condition 9. The only pedestrian/cycle links that the Appellant is able to guarantee are those via the Campden Road roundabout, which I consider insufficient to make the site sustainable.

60. The Appellant has argued that some weight should be given to the fact that allowing this appeal will unlock the development of the site, and will accord with the Framework objective of significantly boosting the supply of housing. To do so would be inconsistent with the Appellant's acceptance that this appeal should not seek to rerun the merits of the case. In my view, such matters are beyond the remit of a reserved matters application, which is solely to consider whether the submitted scheme satisfies the requirements of Condition 9, such as to allow it to be discharged. The benefits of development were matters weighed by the Inspector and the Secretary of State in assessing the sustainability of the site. It is not appropriate to re-assess benefits without considering all the matters that were before the Secretary of State at the 2013 Inquiry, including the land supply situation in Wychavon, which is clearly outside the remit of this appeal. It would be prejudicial to the position of other Councils, Rule 6 parties and objectors who took part in that process.

### **Conclusion**

61. The Appellant has argued that the SoS could not possibly have intended that the Appellant would be unable to implement the permission in the event of being unable to achieve a satisfactory connectivity scheme. However, it is clear that the SoS was aware, and the Appellant understood, that there was a risk of such an outcome (DL 13). The obstacle to delivering the scheme appears to be a commercial consideration. There is nothing in the evidence I have seen that would allow me to reach a conclusion that delivery of a satisfactory connectivity scheme would make the scheme unviable.
62. In any event, without a satisfactory deliverable connectivity scheme, the development cannot be considered sustainable. The SoS's view was that the site was capable of being made sustainable, like the adjoining St. Modwen scheme. The two adjoining sites are relatively remote from any existing settlement, and the provision of accessible basic facilities was crucial to the judgement on sustainability. This applies equally to the present appeal site as to the St. Modwen site.
63. For the reasons given above, I conclude that the scheme proposed by the Appellant fails to meet the requirements of Condition 9 of the outline permission.

*David Richards*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Peter Goatley of Counsel instructed by the solicitor to Wychavon District Council

He called  
Jonathan Edwards BSc (Hons) PG  
Dip TP, MRTPI Development Manager (Planning),  
Wychavon District Council

### FOR THE APPELLANT:

Charles Banner of Counsel instructed by Foxley Tagg Planning

He called  
Sally Tagg BSc (Hons) MRTPI Foxley Tagg Planning  
Aled Roderick BSc (Hons) Dip TP  
MRTPI

### FOR ST MODWEN DEVELOPMENT LTD (Rule 6 Party):

Martin Kingston QC instructed by Barton Willmore

He called  
Joanne Russell BA (Hons) Dip TP Barton Willmore  
MRTPI  
Nigel Millington BA (Hons) MSc Phil Jones Associates Ltd  
MRTPI MIHT

### DOCUMENTS SUBMITTED AT THE INQUIRY

- INQ 1 Opening statement for the Appellant
- INQ 2 Opening statement for the Local Planning Authority
- INQ 3 Opening statement for St Modwen
- INQ 4 Draft S106 obligation
- INQ 5 Statutory Declaration of Anthony Bird
- INQ 6 Letter from Sally Tagg to Jonathan Edwards dated 28 April 2016 regarding application under S106BA
- INQ 7 Letters from Barton Willmore and St Modwen to Andrew Morgan of DAC Beachcroft LLP
- INQ 8 Extracts from Stratford-on-Avon Core Strategy 2011- 2031
- INQ 9 Extract from Development Management Procedure Order 2015
- INQ 10 Paragraph 024 of Planning Practice Guidance
- INQ 11 Planning Permission Ref 12/00484/VARY dated 31 October 2012
- INQ 12 ODPM Letter dated 25 November 2002 – Circular 11/95: Use of negative conditions
- INQ 13 Grampian Regional Council and Another v City of Aberdeen District Council
- INQ 14 R v Ashford BC, ex parte Shepway DC [1999] PLCR 12
- INQ 15 Trump International Golf Club Scotland and another v Scottish Ministers [2015] UKSC 74
- INQ 16 Marks and Spencer plc v BNP Paribas Securities Services Trust Co (Jersey) Ltd and another [2015] UKSC 72

- INQ 17 The Queen on the Application of Cherkley Campaign Ltd and Mole Valley DC v Longshot Cherkley Court Ltd
- INQ 18 Dunnett Investments Limited v SSCLG and East Dorset District Council [2016] EWHC 534 (Admin)
- INQ 19 The Queen on the application of Dartford Borough Council v SSCLG [2016] EWHC 635 (Admin)
- INQ 20 Order made by Rt. Hon. Lord Justice Lindblom CI/2016/1664
- INQ 21 Hall and Co Ltd v Shoreham-by-Sea UDC and another [1964] 1 Weekly Law Reports
- INQ 22 The Queen on the application of Redrow Homes Ltd v First Secretary of State and South Gloucestershire Council [2003] EWHC 3094 (Admin)
- INQ 23 Closing submissions for St Modwen
- INQ 24 Closing submissions for Wychavon District Council
- INQ 25 Closing submissions for Codex Land Promotions Ltd

Richborough Estates

**APPENDIX A – COMBINED CORE DOCUMENTS LISTS**

<b>CD No.</b>	<b>RULE 6 CD Ref</b>
-------------------	--------------------------

**SET A - Discharge of Condition 9 Application (3rd Dec. 2014)**

A.1	Application Form	A1
A.2	FTP letter to LPA - 03.12.14	A2
A.3	Plans – Framework Plan A0 3200H Cond 9	A3
A.4	Plans – Location Plan A3 1030D Cond 9	A4
A.5	FTP email to LPA 05.12.14	A5
A.6	PTPlanners Supporting Statement 21216/02	A6
A.7	FTP email to LPA 02.01.15	A7
A.8	Long Marston - Greenway Photographs - December 2014	A8
A.9	Proposed Access Arrangement - Fig 3.1 21216.04	A9
	E-mail BW to WDC - 12.01.15	A10
A.10	BW letter to LPA - 12.01.15	A11
	E-mail BW to WDC – 13.01.15	A12
A.11	BW letter to LPA - 13.01.15	A13
	E-mail BW to Planning – 13.01.15	A14
A.12	IM letter to LPA - 09.03.15	A15
A.13	FTP letter to LPA - 01.04.15	A16
A.14	IM letter to LPA - 13.04.15	A17
	Letter IM to WDC – 13.04.15	A18
A.15	FTP email to LPA - 07.05.15	A19
A.16	FTP letter to LPA - 07.05.15	A20
A.17	Opinion Charles Banner	A21
A.18	Opinion Patrick Clarkson	A22
A.19	Rule 6 Martin Kingston Further Opinion	A23
A.20	IM letter to LPA - 22.05.15	A24
A.21	FTP email to LPA 18.06.15	A25
A.22	FTP letter to LPA 18.06.15	A26
A.23	Framework Plan K with Safeguarded Area	A27
	E-mail IM to WDC-26.06.15	A28
A.24	IM letter to LPA - 26.06.15	A29
	Letter IM to WDC - 26.06.15	A30
	E-mail DAC to WDC - 02.07.15	A31
A.25	DAC letter to LPA - 02.07.15	A32
	DAC letter to LPA – 02.07.15	A33
A.26	DAC letter to LPA - 13.07.15	A34
A.27	IM letter to LPA - 14.07.15	A35
A.28	Decision notice - condition 9 - 17.07.15	A37

**SET B - Discharge of Condition 9 Application (5th Nov. 2015) – Withdrawn**

B.1	App Form	B1
B.2	Timeline	B2
B.3	Connectivity Scheme Statement 212 16-04	B3
B.4	Proposed Access Arrangement	B4
B.5	Framework Plan K inc. Safeguarded Area	B5
B.6	Opinion - Charles Banner	B6
B.7	Location Plan	B7
B.8	Opinion - Patrick Clarkson QC	B8
B.9	Long Marston - Greenway Photographs - December 2014	B9



CD No.	RULE 6 CD Ref
B.10 FTP letter to LPA - 05.11.15	B10
<b>SET C</b>	
<b>Submitted Appeal Against Refusal of condition 9 (29th Oct. 2015)</b>	
C.1 FTP email to LPA - 29.10.15	C1
C.2 Appeal Form	C2
C.3 Appellants Statement of Case	C3
C.4 Connectivity Scheme Appeal Statement 21216-03	C4
E-mail FT to WDC	C5
C.5 Opinion of Banner - Appellants Submission	C6
C.6 LPA email to FTP - 03.11.15	C7
Email FT to WDC - 02.01.15	C8
E-mail PINS to FT - 23.11.15	C9
E-mail IM to PINS – 23.11.15	C10
C.7 IM letter to PINS - 17.11.15	C11
C.8 Letter BW to WDC - 25.11.15	C12
E-Mail BW to WDC - 25.11.15	C13
C.9 SOCG - 06 01 16 - signed final	C14
C.10 PINS Start Date Letter	C15
C.11 PINS Appeal Questionnaire	C16
C.12 PINS Hearing Letter	C17
Letter PINS to WDC – 14.12.15	C18
C.13 FTP letter to LPA 17.12.15	C19
Letter FT to WDC – 17.12.15	C20
C.14 WDC Appeal Statement	C21
C.15 WDC Appeal Statement Appendices List	C22
C.16 WDC Appeal Statement App 1 (140702 Letter DCLG to FT) <b>(See CD F44)</b>	C23
C.17 WDC Appeal Statement App 2 (150717 Letter WDC to FT)	C24
C.18 WDC Appeal Statement App 3 (Plan)	C25
C.19 WDC Appeal Statement App 4 (Plan)	C26
C.20 WDC Appeal Statement App 5 (Undertaking)	C27
C.21 PC Email - External Consultees Comment	C28
C.22 St Modwen Hearing Statement	C29
C.23 App 1 to SM Hearing Statement (140702 Letter DCLG to FT) <b>(See CD F44)</b>	C30
C.24 App 2 to SM Hearing Statement (Description of Scheme)	C31
C.25 App 3 to SM Hearing Statement (Connectivity Plan)	C32
C.26 App 4 to SM Hearing Statement (Access Parameter Plan)	C33
C.27 App 5 to SM Appeal Statement (151215 Letter IM to WDC)	C34
C.28 App 5 to SM Appeal Statement (151203 Letter WCC to WDC)	C35
C.29 App 6 to SM Appeal Statement (130711 Letter SM to PT Planners)	C36
C.30 Letter PINS to WDC re 3rd parties	C37
C.31 3rd Party Reps - St Modwen	C38
C.32 3rd Party Reps (Parish Council)	C39
C.33 3rd Party Reps (Parish Council 1)	C40
C.34 PINS notify Inspector Letter	C41
C.35 PINS notify Inspector Letter change	C42
E-mail FT to WDC	C43
C.36 Decision Notice refusal condition 9	

CD No		RULE 6 CD Ref
<b>SET D</b>		
<b>Revised Condition 9 Application (23rd Dec 2015)</b>		
D.1	FTP letter to LPA - 23.12.15	D1
D.2	Application Form	D2
D.3	Validation Letter 11.01.16 Signed SOCG	D3
D.4	Proposed Access Arrangement	D4
D.5	151215 13070 3200 L Framework Plan Long Marston	D5
D.6	Long Marston - Greenway Photographs - December 2014	D6
D.7	Location Plan	D7
D.8	ES Phasing Plan	D8
D.9	Timeline	D9
D.10	Connectivity Scheme Statement 21216-04	D10
D.11	FTP email to LPA - 22.01.2016	D11
D.12	Connectivity Scheme Statement 21216-05	D12
D.13	BW letter to LPA - 04.02.16	D13
D.14	BW Connectivity Plan	D14
D.15	Email FT to WDC	D15
D.16	21216-04 Rev 3_2016.03.02 – Boundary Connection Detail	D16
D.17	FTP Email to LPA - 10.03.16	D17
D.18	Long Marston Highways Technical Note 09-03-16	

**CD SET E - Documents Relating to the Application for Outline Planning**

E.1	Location Plan 13070/1030/D
E.2	Development Plan 13070/1070/C
E.3	Context Plan 13070/3202 D E47
E.4	Constraints Plan 13070/2000 C E46
E.5	Proposed Access Plan 13070/3203A E23
E.6	Framework Plan 13070/3200/H E37
E.7	Campden Road – Proposed Access Arrangement Fig 3.1 21216 02
E.8	EIA - Letter from JE 11.07.13
E.9	Response to letter from JE 11.07.13

Additional Documents Relating to the Application for Outline Planning (submitted with Rule 6 Party's Statement of case)

Design and Access Statement	E1
ES contents page - Jan 13	E2
ES Chapter 1 - Introduction	E3
ES Chapter 2 - Site and Surroundings	E4
ES Chapter 3 – Assessment Methodology	E5
ES Chapter 4 – Policy, Need and Alternatives	E6
ES Chapter 5 – Scoping and Consultation	E7
ES Chapter 6 – Description of Scheme	E8
ES Chapter 7 – Transport and Highways	E9
ES Chapter 17 – Community Impacts	E10
ES Chapter 18 – Conclusion	E11
ES Technical Appendix 12 – Community Facilities	E12
Transport Assessment Jan 13	E13
TA Figures Jan 13	E14
Planning Statement Jan 13	E15
Planning Statement App 1 Red Line Site Plan	E16

CD No	RULE 6 CD REF
Planning Statement App 2 Administrative Boundaries	E17
Planning Statement App 3 Village Location Plan	E18
Planning Statement App 16 Meon Vale Phase 1 & 1A	E19
Planning Statement App 17 Greenway Extension	E20
Planning Statement App 18 Proposed Access Plan	E21
Framework Plan 13070.3200 Rev G	E22
Proposed Access Plan 13070.3203.A	E23
Application Form Jan 13	E24
Covering Letter 17.01.13	E25
Location Plan 13070.1030.C Rev C	E26
Travel Plan Framework	E27
ES, non-technical summary	E28
Pebworth PC comments	E29
Highway comments (Gloucs CC)	E30
Highway comments from Agent	E31
Cover letter from Agent 04.06.13	E32
Planning Statement Addendum 04.06.13	E33
Replacement ES non-technical summary 04.06.13	E34
Replacement ES Addendum 04.06.13	E35
Design and Access Statement May 13	E36
Replacement Framework Plan 13070.3200 Rev H	E37
Revised Travel Plan Framework 04.06.13	E38
Planning Statement May 13	E39
ES Technical Addendum Figure 3.1	E40
ES Technical Addendum Figure 3.2	E41
ES Technical Addendum Figure 3.3	E42
Pebworth PC comments 24.06.13	E43
Addendum Transport Assessment May 13	E44
ES Technical Addendum Fig 3.4	E45
Constraints Plan 13070.200.C 22.07.13	E46
Context Plan 13070.3202.D 23.07.13	E47
Highway Comments (Worcs CC) 06.08.13	E48
Outline PP Committee Report 15.08.13	E49
Committee Updates 15.08.13	E50
Highway Comments (Worcs CC) dated 15.08.13	E51

### CD SET F - Outline Planning Application Appeal (2013)

F.1	Appellant Planning Proof of Evidence 25.10.13	F47
F.2	POE Transport & Sustainable Travel Issues Oct 13	F48
F.3	POE Transport & Sus Travel Figures	F49
F.4	POE Transport & Sus Travel App 1	F50
F.5	POE Transport & Sus Travel App 2	F51
F.6	POE Transport & Sus Travel App 3	F52
F.7	POE Transport & Sus Travel App 4	F53
F.8	POE Transport & Sus Travel App 5	F54
F.9	POE Transport & Sus Travel App 6	F55
F.10	POE Transport & Sus Travel App 7	F56
F.11	POE Transport & Sus Travel App 8	F57
F.12	POE Transport & Sus Travel App 9	F58
F.13	Appellant POE Appendices	F59
F.14	Appellant POE App 1	F60

CD No		RULE 6 CD REF
F.15	Appellant POE App 2	F61
F.16	Appellant POE App 3	F62
F.17	Appellant POE App 4	F63
F.18	Appellant POE App 5	F64
F.19	Appellant POE App 6	F65
F.20	Appellant POE App 7	F66
F.21	Appellant POE App 8	F67
F.22	Appellant POE App 9	F68
F.23	Appellant POE App 10	F69
F.24	Appellant POE App 11	F70
F.25	Appellant POE App 12	F71
F.26	Appellant POE App 13	F72
F.27	Appellant POE App 14	F73
F.28	Appellant POE App 15	F74
F.29	Appellant POE App 16	F75
F.30	Appellant POE App 17	F76
F.31	Appellant POE App 18	F77
F.32	Appellant POE App 19	F78
F.33	Appellant POE App 20	F79
F.34	Appellant POE App 21	F80
F.35	Appellant POE App 22	F81
F.36	Appellant POE App 23	F82
F.37	Appellant POE App 24	F83
F.38	Appellant POE App 25	F84
F.39	Appellant POE App 26	F85
F.40	Appellants rebuttal statement Nov 13	F108
F.41	Rebuttal POE Transport & Sus Travel Issues Nov 13	F109
F.42	QC closing submissions for WDC 25.11.13	F120
F.43	QC closing submission for appellant 25.11.13	F136
F.44	SoS Appeal decision 02.07.14	F148

Additional Documentation Relating to Outline Planning Application Appeal submitted with Rule 6 Party's statement of case

Appeal Form	F1
Grounds of Appeal	F2
Grounds of Appeal Appendix 1	F3
Grounds of Appeal Appendix 2	F4
Appeal start letter	F5
PINS to WDC referral letter	F6
Rule 6 request	F7
Rule 6 request letter	F8
Letter of notification	F9
Appellant SOCG	F10
Appellants Statement of Case	F11
Rule 6 Statement of Case	F12
WDC Committee Minutes	F13
Appointment of Inspector	F14
BARD Statement of Case	F15
BARD letter to PINS	F16
E-mail form BARD	F17
E-mail from PINS	F18
Non-technical summary Oct 19	F19

CD No	RULE 6 CD REF
EIA	F20 - F29
Transport Assessment	F30 - F45
Council Leader's Objection	F46
Wychavon DC Proofs of Evidence	F86 - 107
Bus service timetables	F110 - F113
E-mail WCC Highways to WDC 11.11.13	F114
WCC Highways justification for S106	F115
Further E-mail re S106	F116
WDC list of draft conditions	F117
WCC E-mail re School Transport	F118
Closing submissions for BARD	F119
S106 Agreement	F127

(NB The Rule 6 Party submitted a complete list of documentation relating to the Appeal. A number of post-inquiry documents dealing with administrative matters have been omitted from this list)

#### SET G - Material to be Approved

- G.1 21216-04 Rev 3\_2016.03.02
- G.2 151215 13070 3200 L Framework Plan Long Marston
- G.3 Long Marston Highways Technical Note 09-03-16
- G.4 Timeline - Condition 9 - updated 03.03.16
- G.5 21216-3.1-04 2014.12.23
- G.6 Framework Plan K with Safeguarded Area

#### SET H - MEON VALE (St Modwen Scheme)

- H.1 Decision Notice - 09.00835.FUL
- H.2 Decision Notice - 14.01186.OUT
- H.3 SUADC Core Strategy

#### SET I - APPELLANT (Codex) PROOFS (this inquiry)

- I.1 Planning Proof
- I.2 Transport Proof
- I.3 Meon Vale Walk Video (memory stick)

#### SET J - LPA (Wychavon DC) PROOFS (this inquiry)

- J.1 LPA PROOF OF EVIDENCE
- J.2 LPA PROOF OF EVIDENCE SUMMARY
- J.3 LPA APPENDICES COVER AND LIST
- J.4 LPA PROOF APPENDIX 1 - SWDP1
- J.5 LPA PROOF APPENDIX 2 - SWDP2
- J.6 LPA PROOF APPENDIX 3 - 5YHLS com report
- J.7 LPA PROOF APPENDIX 4 - 5YHLS supply report
- J.8 LPA PROOF APPENDIX 5 - SWDP4
- J.9 LPA PROOF APPENDIX 6 - SWDP21
- J.10 LPA PROOF APPENDIX 7 - applications submitted

**CD No****RULE 6  
CD REF****SET K - RULE 6 PARTY (St Modwen) PROOFS (this inquiry)**

- K.1 Rule 6 - Proof of Evidence issued.pdf
- K.2 Rule 6 - App1 Approved Framework Plan Rev H.pdf
- K.3 Rule 6 - App 2 SL-P-01D Connectivity Plan.pdf
- K.4 Rule 6 - App3 ES Figure 6.3.pdf
- K.5 Rule 6 - App 4 Site photographs.pdf
- K.6 Rule 6 - App 4 SL-P-07 - Photo Location Plan.pdf
- K.7 Rule 6 - App5 S106BA decision letter.pdf
- K.8 Rule 6 - App6 Layout 30dwgs.pdf
- K.9 Rule 6 - App6 layout 84dwgs.pdf
- K.10 Rule 6 - App7 BW letter Persimmon scheme 30dwgs issue.pdf
- K.11 Rule 6 - App7 BW letter Persimmon 84 dwg scheme.pdf
- K.12 Rule 6 - App7 Letter from Persimmon.pdf
- K.13 Rule 6 - App 8 Persimmon cover letter.pdf
- K.14 Rule 6 - App9 Letter to J Edwards re S106BA scheme-issue.pdf
- K.15 Rule 6 - App 10 Proposed Conditions - Draft 08 11 13.pdf
- K.16 Rule 6 - App 11 DAC Beachcroft ltr and Draft Agreement.pdf
- K.17 Rule 6 - App 12 BW to DAC Beachcroft 3.10.16.pdf
- K.18 Rule 6 - App 13 DAC Beachcroft Ltr to BW 5.10.16.pdf
- K.19 Rule 6 - App 14 BW to DAC Beachcroft 6.10.16.pdf
- K.20 Rule 6 - Proof of Evidence - Nigel Millington - Final PDF

**SET L - BARTON WILMORE LETTERS**

- L.1 Letter from BW to LPA - 04.08.16
- L.2 Letter from BW to DAC - 03.10.16

**SET M - FURTHER DOCUMENTS SUBMITTED BY ST MODWEN**

- |      |  |       |
|------|--|-------|
| M.1  | Codex Appeal Decision                                | G.1   |
| M.2  | Approved Framework Plan Rev H                        | G.1.1 |
| M.3  | Connectivity Plan - SLP - 01A                        | G.1.2 |
| M.3  | Access and Movement Parameter Plan Figure 6.3        | G.1.3 |
| M.4  | St Modwen Objection to S73 App 15.12.15              | G.1.4 |
| M.5  | Warks CC Objection to S73 App 30.12.15               | G.1.5 |
| M.6  | Engagement Letters 2013                              | G.1.6 |
| M.7  | Barton Willmore Objection Letter 4.2.16              | G.2   |
| M.8  | Barton Willmore Letter to PINS 23.03.16              | G.3   |
| M.9  | Additional appeal documents                          | G.4   |
| M.10 | Appeal E-mails between PINS, Barton Willmore and WDC | G.5   |
| M.11 | Letter from Barton Willmore to WDC                   | G.5.1 |
| M.12 | Persimmon Application Jan 16                         | G.6   |
| M.13 | Decision Notice Refusal Condition 9                  | G.7   |
| M.14 | Framework Plan Rev L                                 | G.8   |
| M.15 | Greenway Photos Long Marston Storage Depot           | G.9   |
| M.16 | Letter from Barton Willmore to WDC 20.11.15.1        |       |
| M.12 | Persimmon Application Jan 16                         | G.6   |
| M.13 | Decision Notice Refusal Condition 9                  | G.7   |
| M.14 | Framework Plan Rev L                                 | G.8   |
| M.15 | Greenway Photos Long Marston Storage Depot           | G.9   |
| M.16 | Letter from Barton Willmore to WDC 20.11.14          | G.10  |