

Planning Committee: 08 November 2023

Item Number: 6

Application No: [W 23 / 0880](#)

Town/Parish Council: Stoneleigh

Case Officer:

Adam Walker

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Registration Date: 14/06/23

Expiry Date: 13/09/23

Land south of Stoneleigh Road, Stoneleigh, Warwickshire

Full planning permission for the extension of the A46 Main Compound for HS2 construction purposes for a temporary period, including site clearance works, stockpiling of soil, materials storage, security cabins, plant and wheel wash facilities, HGV/plant parking, drainage infrastructure, internal spine and haul roads with access from Stoneleigh Road. FOR High Speed 2 (HS2) Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the delegation of authority to the Head of Planning to resolve drainage matters to the satisfaction of the LLFA and subject to the imposition of conditions, including those set out within this report.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for an extension of the existing HS2 compound next to the A46 at Stoneleigh.

The proposed development comprises the following components:

- Site clearance works, including some sections of hedgerow;
- Soil stockpiles, generated from HS2 Phase One and up to 7m high;
- Laydown areas for storage of materials, including steel reinforcement, high density polyethylene (HDPE) drainage and precast concrete components;
- HGV/plant parking
- Security cabins
- Wheel wash area and plant wash area
- Drainage infrastructure, including attenuation pond and drainage ditches/drains/culverts;
- Access off Stoneleigh Road (T-junction);
- Internal spine road and haul roads;
- Utilities diversions;
- Environmental mitigation works, including areas of ecological habitat to be retained and enhanced, wildflower grass seeding, light barrier for Kings Wood bat habitat, noise and dust barrier for Kings Wood, newt fencing and an amphibian crossing; and
- Reinstatement works, including replanting of removed hedgerow sections.

Permission is sought for a temporary period, with the use of the compound expected to run until 2028. Decommissioning would then take place and the site restored to its existing condition. The application includes an indicative construction programme, which is summarised as follows:

Advance works:

Approximately 6 months, initially expected to commence 2023.

Advance works would include:

- Further site investigations and surveys as necessary;
- Contamination remediation (if appropriate)
- Habitat creation and translocation
- Historic environment related mitigation
- Site access works
- Site establishment with temporary fence construction
- Removal of vegetation (including hedgerow removal)
- Stripping and storing of soil
- Any utility diversions and new utility connections for facilities associated with the proposal

Use of the compound:

Approximately 5 years (up to 2028) and allowing for partial use during the advance works and decommissioning phase (prior to commencement of reinstatement).

Decommissioning of the compound:

Approximately 6 months.

Reinstatement to pre-construction conditions:

Approximately 2 years, primarily during 2029 and 2030.

THE SITE AND ITS LOCATION

The application site is approximately 30 hectares in size and comprises agricultural land that lies within the West Midlands Green Belt. The site is bound by Stoneleigh Road to the north, the B4115 Ashow Road to the east, the existing HS2 A46 Main Compound to the south, and the A46 highway to the west. The village of Stoneleigh lies approximately 250m east of the site. The site abuts an existing small construction compound that is accessed from Stoneleigh Road.

The application site surrounds, but does not include, an area of ancient woodland known as King's Wood. Two tree-edged ponds that lie to the east of the wood are also excluded from the application site boundary.

The application site is largely enclosed to the roadside boundaries by trees, hedgerows and shrub vegetation. There are also hedgerow field boundaries within the site.

PLANNING HISTORY

The Local Planning Authority has previously provided the applicant with a formal opinion on the scope of work required for the Environmental Statement that was required to be submitted with the current planning application (Ref: SCR/22/0001). This was in response to a request from the applicant for a Screening/Scoping Opinion under the 2017 Environmental Impact Assessment (EIA) Regulations.

The following planning application is relevant to the current application and is discussed within the assessment:

W/20/2013 - In conjunction with the scheduled Warwickshire County Council alignment of the A46 Link Road Scheme, this application proposal seeks highway improvement works along a section of Stoneleigh Road. The highway works proposed includes the construction of a 4-arm roundabout to provide two additional access roads:- . One to access the proposed relocation of the Rugby Farmers' Market. The other to a HS2 A46/Ashow Road Main Works Civils Contractors compound. The works are temporary and are proposed to be retained for a 5 year period (excluding construction works and decommissioning works) - Approved 27/04/2023

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- NE6 - High Speed Rail 2 (HS2)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- DS18 - Green Belt

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council - Object: Concerns raised in relation to drainage, the effect of lighting and insufficient pre-application consultation by the developer. Comments also made in relation to the reinstatement of the land and highway matters, including concerns relating to an increase in construction traffic especially through the village of Stoneleigh.

Kenilworth Town Council - Neutral: Whilst having no reason to object, it is requested that a condition is included regarding who will be responsible for restoring the land back to its original condition.

Arboricultural Officer - No objection. Condition recommended to ensure that the protection measures detailed in the submitted Arboricultural Assessment are adopted.

Conservation & Design - No objection due to the temporary nature of the development. Condition recommended requiring that the land be restored to its former condition when the proposed use of the land ends.

Coventry City Council - No objection in principle. The development proposals should not have a severe impact on public highway safety, or on the operation or capacity of Coventry's highway network. Concerns raised by the CCC Tree Protection Officer with regards to the impact on trees and woodland within the site and additional information should be submitted to address these concerns.

Environment Agency - No objection

Environmental Protection - No objection. Condition recommended regarding the reporting of unexpected contamination. The impact on local amenity, including matters such as noise, vibration, and dust emissions, would be controlled through the Code of Construction Practice, existing Environmental Minimum Requirements (EMR) of HS2 and Environmental Health legislation.

Forestry Commission - Neutral: Given the nature of the proposed development, and that the application site will enclose an area of ancient woodland (Kings Wood), there is a significant likelihood of impacts to the ancient woodland, including from disturbance with a resulting detrimental impact on species, and impacts to habitat connectivity and ecological functionality. The local authority should assess the application against published Standing Advice, taking into account both direct and indirect impacts on the woodland and considering both construction and operational phases. Opportunities to improve the woodland habitat, including through appropriate management measures, should also be considered. Should planning permission be granted, it is advised that the restoration scheme considers opportunities to improve Kings Wood ancient woodland, and to improve connectivity between this and other nearby woodland habitats. In addition to impacts to ancient woodland, the local authority should also ensure no loss or deterioration of any ancient or veteran trees present on site. The arboricultural report notes the presence of trees that are beginning to develop features associated with veteran trees along the boundary of the application site, and it is recommended that protection of these trees is secured in accordance with the outlined measures.

Historic England - Neutral: Historic England does not wish to offer advice in this case. The views of the Council's specialist conservation and archaeological advisers should be sought.

Lead Local Flood Authority - Holding objection: The submitted details relating to the surface water drainage are insufficient. There are a number of uncertainties and inconsistencies within the submitted details that require clarification and further information.

National Highways - No objection

Natural England - No objection. The proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

The Woodland Trust - No comments received

WCC Archaeology - Object: The archaeological implications of this proposal cannot be adequately assessed on the basis of the available information. Request that the applicant arranges for an archaeological evaluation (involving trial trenching) to be undertaken prior to determination of the application. The use of a pre-commencement planning condition is not considered suitable on this site.

WCC Ecology - Recommend the application is deferred until missing information is provided and the ES is updated as appropriate. Further comments awaited in response to information provided by the applicant (as discussed within the appraisal)

WCC Highways - No objection subject to conditions

WCC Landscape - Object: Concerns with the overall scale of the combined compound area, the height of the soil stockpiles and the likelihood of the proposed wildflower planting to the outer profiles of the soil stockpiles becoming established.

WCC Public Rights of Way - No objection

Public Response - A total of 16 objections have been received. A summary of the comments is provided as follows:

- Inadequate justification for the proposed compound extension and the amount of land required for the proposal
- Original intent and timescales of construction have been grossly underestimated; concern that a similar situation will arise with the proposal
- Intensification of existing compound in terms of vehicular movements
- Concerns raised with the existing traffic situation, including traffic lights and the village being used as a 'rat run'; proposal will exacerbate existing issues
- Question why additional car parking is required
- Too close to Stoneleigh village, including some of its facilities such as the village hall, children's play area and associated fields
- Detrimental impact of construction activities on residents of Stoneleigh village, including from traffic, noise, dust, vibration and air pollution
- Dust from stockpiling earth will impact on air quality and health

- Increased mud on the public highway
- Impact on historic buildings and structures in Stoneleigh village, which because of their age are more vulnerable to the effects of heavy, sustained traffic
- Stoneleigh village does not have the infrastructure to cope with the vehicles, plant and people to build and service the HS2 storage yard
- Stoneleigh village cannot cope with any more disruption
- Impact on the character of the Stoneleigh Conservation Area and listed buildings / heritage sites
- Existing operations have impacted on drainage systems
- Concerned that drainage overspill will run down Birmingham Road; this already occurs and is silting up the sewers. Proposal will make the situation worse.
- There has been an increase in flooding of Birmingham Road and mud flowing through Stoneleigh village since the HS2 works began; this has caused damage to property
- Flood risks have not been assessed sufficiently
- Proposed stockpiles may become unstable over time and will add to water run-off issues
- Impact on existing hedgerows and natural drainage systems
- More details of how the land will be restored and put back to agricultural use and a timescale for completion is required
- Light spill occurs from the existing compound; greater controls are needed with the lighting for the compound extension to avoid light pollution
- Existing operations have made a mess of the local landscape and environment
- Proposal would be an unsightly view entering Stoneleigh village
- Eye sore close to the village
- Green Belt should be protected; the associated noise, light pollution and the overall appearance of such a large compound is not in keeping with the character of the Green Belt
- More green space being taken over by HS2
- Urbanisation in a rural location
- Ancient woodland put at risk
- The loss of more trees and hedgerows should not be supported, especially given climate change.
- Trees and vegetation would take years to replace; it would take a long time for new planting to reach the age and condition of existing trees
- Removal of vegetation will impact on wildlife; wildlife has already been harmed by the ongoing HS2 operations
- Risk of land contamination in an agricultural area
- Impact on public rights of way
- Inadequate consultation with local residents
- All HS2 works should be halted
- HS2 works have already meant the loss of trees / greenery and wildlife and ruined the tranquillity and beauty of rural villages
- HS2 should not be allowed to take any more land or cut down any more trees
- HS2 is a white elephant of a project and Warwickshire gains no benefit from it
- HS2 is a waste of time and money

ASSESSMENT

Introduction

The application is for an extension to the existing A46 Kenilworth Bypass Overbridge Main Construction Compound which is used in connection with the construction of Phase One of HS2.

The existing compound supports construction of the Cubbington, Stonehouse, Glasshouse Wood, Kenilworth, Dalehouse Lane, Crackley Road, Crackley Wood and Roughknowles Wood sections of the Phase One Scheme, together with the realignment of the B4115 Ashow Road. The compound accommodates core project management staff (including those responsible for engineering, planning and construction delivery) together with supporting commercial and administrative staff.

Revised proposals have been developed for the Main Compound, which involve an extension to the north comprising of some 31 hectares of land. The extension would primarily accommodate increased storage and is intended to allow for better management of soils and other materials. It would also allow for all construction traffic to be routed via a new access on Stoneleigh Road.

Full planning permission is required for the works because it is for development that falls outside of the limits granted by the High Speed Rail (London-West Midlands) Act 2017 (HS2 Act 2017). The proposals require a parcel of land adjacent to but outside of the Limits of Deviation (LOD), that delineate the limits within which the works listed in Schedule 1 of the 2017 Act ("Scheduled Works") may be constructed, and Limits of Land to be Acquired or Used (LLAU), which define additional limits for other works (ancillary to Scheduled Works) required, including for construction and maintenance. Because the proposals are ancillary to Scheduled Works and require land to be used outside of the LLAU they constitute development that is not authorised by the 2017 Act; instead, the proposals are subject to provisions of the Town and Country Planning Act 1990 (as amended).

It has previously been established that this planning application would need to be accompanied by an Environmental Statement (ES), having regard to the 2017 EIA Regulations. An ES has consequently been submitted in support of the application and this considers the proposal in detail against a range of planning considerations. The ES presents the likely significant effects of the construction of the proposed development on the environment and describes the proposed means to avoid, prevent, reduce, or if possible, offset the likely significant effects on the environment. When an ES is submitted with an application there is a legal duty for the Local Planning Authority to have regard to it. This means examining the environmental information, reaching a reasoned conclusion on the significant effects, integrating that conclusion into the planning decision and, if granting permission, considering whether to impose monitoring measures.

Principle of development

The proposed development is in connection with a nationally important infrastructure project (HS2). The application has been submitted on the basis that there is a need to accommodate increased storage and management of soils and other materials and in so doing minimise concentrations of construction related traffic on the local road network by allowing phased transportation of those materials in advance of the peak demand for them. The proposal would also introduce a new compound access closer to the strategic road network, which would reduce traffic on the local road network.

The applicant has stated that the land take is the minimum necessary and there are no alternative locations available as the proposed construction compound extension is required to be close to the existing A46 Main Compound for construction purposes to minimise construction impacts and impacts on the highway network.

The proposal would help to facilitate the delivery of HS2 and is intended to help mitigate some of the impacts of its construction, specifically with regards to highway related effects. This weighs in favour of the application. The proposal would however give rise to additional environmental impacts in its own right and these are therefore to be weighed in the overall planning balance. The remainder of this assessment considers these matters.

Green Belt considerations

The site lies within the West Midlands Green Belt.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 goes on to specify the five purposes of the Green Belt, which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 147-151 of the NPPF set out the requirements for assessing proposals that affect the Green Belt. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF, paragraph 148).

The construction of new buildings should be regarded as inappropriate development in the Green Belt, unless they fall within those exceptions set out

at paragraph 149 of the NPPF. The NPPF also identifies certain forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it in (NPPF, paragraph 150).

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt.

The proposed development involves engineering operations, stockpiling of soil, open storage of materials and new buildings in the form of security cabins. While the proposal includes elements of development that are not necessarily inappropriate in the Green Belt, namely the engineering operations, the development as a whole represents inappropriate development in the Green Belt and it is therefore necessary for 'very special circumstances' to exist to clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal.

The Green Belt Statement submitted with the application states that there are no alternative sites available in locations that are not within the Green Belt given that the construction compound extension is required to be close to the existing A46 Main Construction Compound to minimise construction impacts and impacts on the highway network. Officers note that there is farmland a short distance to the north west of the application site on the opposite side of the A46 bypass that is not within the Green Belt, however, it is not considered that this land would represent a viable and reasonable alternative. There is a clear benefit in the existing compound and the compound extension forming a contiguous site, including from a practical and access point of view. What is more, this neighbouring land would have its own constraints, for example the presence of a watercourse and tree belts and it would also bring development much closer to housing.

Effect on the openness of, and purposes of including land within, the Green Belt

The application site forms open countryside in an area characterised by agricultural fields and villages with scattered buildings. To the south of the site is the existing HS2 Main Compound and to the west lies the A46 bypass which forms part of the Strategic Road Network. Improvement works are currently being carried out to the A46 junction close to this development. Planning permission has been approved for a farmers (livestock) market on land to the north of the site; this has not been constructed but is understood to be an extant permission.

The proposed land take for the development proposal is substantial, albeit the minimum deemed necessary by the applicant. The proposal would introduce areas of hard surfacing and access roads, open storage of materials (such as steel reinforcement, drainage infrastructure and precast concrete components), engineered landforms in the form of soil stockpiles up to 5m and 7m in height, imported aggregate stockpiles, a small block of portable buildings serving as security cabins (circa 6m in height) and security fencing.

Openness is not defined in the NPPF but is commonly understood to refer to an absence of development. Openness is to be considered in both visual and spatial

terms, and it follows that openness can be harmed even when development is not readily visible from the public domain. The duration of a development and its ability to be returned to its original or equivalent state of openness is also relevant when considering the potential impact of development on the openness of the Green Belt, as is the degree of activity likely to be generated.

The proposal would have an urbanising influence on the Green Belt, extending the existing compound further to the north as far as Stoneleigh Road and introducing features that would diminish the openness of the Green Belt in spatial terms as well as having an effect on the visual openness of the Green Belt. The visual impact on openness would be mitigated to a degree through the screening provided by existing vegetation to the site peripheries and the inclusion of an undeveloped buffer along the northern edge of the site as well as an area of habitat enhancement to the west of Kings Wood. Seeding of the outer banks of the soil storage mounds would also soften their visual impact and help them to better integrate with the rural landscape.

As the proposal is directly associated with the existing HS2 compound and the purpose of the development is to facilitate better management of materials and vehicle movements, it is not considered that there would be any material intensification of the level of activity generated, albeit the geographical extent of activity associated with the HS2 construction works would be increased.

Having regard to the five purposes of the Green Belt, the main impact of the development proposal would be in terms of encroachment in the countryside as the area is currently agricultural and undeveloped. The location and nature of the development are such that it would not have any material impact on the other purposes of including land within Green Belt. This includes preserving the setting and special character of historic towns - an assessment of the impact on built heritage assets is provided separately within this report.

The proposal, as inappropriate development, would by definition harm the Green Belt. It would result in encroachment and harm the openness of the Green Belt in both spatial and visual terms. Accordingly, the proposed development would conflict with the NPPF and Policy DS18 of the Local Plan. All harm to the Green Belt carries substantial weight.

The applicant has sought to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt. These are summarised as follows:

- The proposal is required to construct a nationally important infrastructure project;
- The site has a locational benefit, being adjacent to the existing Main Compound;
- Reducing construction traffic on local roads, particularly Ashow Road;
- Managing construction traffic to minimise interaction with peak times on the road network;
- Operating in alignment with the proposed new roundabout on Stoneleigh Road which provides access to the relocation of the Rugby Farmers' Market (planning approval reference W/20/2013) helping to further reduce local traffic burdens and complement local highways improvements;

- The storage of excavated material will be used in locations along the Phase One Scheme as part of the environmental strategy to re-use excavated materials to create embankments and landscape areas around the HS2 railway, which will ultimately become part of an extensive Green Corridor of new wildlife habitat;
- Mitigation to minimise impacts on the local environment including areas of ecological habitat to be retained and enhanced;
- Development designed to mitigate the impact on the landscape and residential amenity and;
- The development is temporary and can be limited to a temporary period by imposition of a planning condition.

Taken together, the applicant considers that the above elements constitute very special circumstances that clearly outweigh the harm to the Green Belt.

The policy test is whether very special circumstances exist to clearly outweigh the harm to the Green Belt *and* any other harm resulting from the proposal. The applicant's case is considered at the end of this report following the assessment of all other relevant planning considerations.

Landscape and visual effects

Warwick District Local Plan policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. It should harmonise with or enhance land use and should relate well to local topography and landscape features. This policy also recognises the need for development to be resilient to climate change.

Policy NE4 of the Local Plan states that new development will be permitted that positively contributes to landscape character. Proposals must demonstrate that they consider landscape context, including local distinctiveness and enhance key landscape features, ensuring their long term maintenance. Proposals must also identify their likely visual impacts on the local landscape and should conserve, enhance or restore important landscape features. Detrimental impacts on features which make a significant contribution to character, history and setting of an area or asset should be avoided.

For the purposes of this part of the assessment, it is to be noted that there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

The site lies within a generally low-lying area comprising of enclosed gently undulating landform with a pattern of large fields bounded by hedgerows, trees and woodlands. The land use is predominantly in agriculture, characterised by intermittent farms and large-scale fields bounded by hedgerows and woodland blocks. The main transport link in this area is the A46 Kenilworth Bypass which links to the M40. There are several public rights of way within the locality, most notably part of the Coventry Way and Centenary Way long distance footpaths

which exits the Kenilworth urban area in a north-east direction and encompasses the development site on three sides before continuing south eastwards.

The site forms part of the Stoneleigh Parklands Landscape Character Area, a predominantly enclosed gently undulating agricultural landscape. Towards the east of the site, on the other side of Stoneleigh village, is the Bubbenhall Plateau Farmlands Landscape Character Area, a predominantly flat plateau agricultural landscape with urban influences.

The ES provides an analysis of the likely significant landscape and visual amenity effects resulting from the proposed development, informed by an Illustrated Landscape and Visual Assessment (Appendix 7.2, ES Vol.4). The ES considers the impact on the above Landscape Character Areas and provides a visual assessment from a range of key viewpoints within a defined Zone of Theoretical Visibility. These viewpoints include from the local public right of way network and roads adjacent to the site along with some from the PROW adjacent to Stoneleigh Village and along the A46 road corridor. The ES also highlights how the proposal seeks to mitigate potential landscape and visual effects through its design. This includes the following:

- Retention of existing vegetation as far as possible, with offsets between the Root Protection Areas (RPA's) of trees and hedgerows and the site working areas to ensure no temporary or permanent impacts on the retained vegetation;
- Soil mounds offset from the site boundaries and their external faces grass seeded;
- Lighting limited to the site spine road and small car park (with all outward faces of the soil mounds unlit).

In summary, the ES considers that only the Stoneleigh Parklands Landscape Character Area would be directly impacted upon by the proposed development and the adjacent Bubbenhall Plateau Farmlands Landscape Character Area would not be significantly impacted by any indirect landscape effects. There is potential for the proposed development and other committed developments, including the approved urban expansions to Coventry and the Phase One Scheme, to result in cumulative landscape effects. However, the proposal would be perceived in the context of the immediately adjacent and much larger Phase One Scheme such that it would make a limited contribution to overall cumulative effects.

With regards to visual effects, the ES considers that views into the site are limited, with the majority of the viewpoints having limited or no intervisibility with the site. Where views are available these are often heavily filtered. The most significant visual effect identified is the view north-west from B4115 near the junction with Footpath 273/W/158/1; this is a near distance view from Ashow Road looking northwest towards the southern part of the site and the existing A46 Main Compound (Viewpoint 7).

WCC Landscape have objected to the application. There are concerns with the overall scale of the combined compound area, which is located in close proximity to the village of Stoneleigh and within an attractive rural setting. The Landscape

Officer has stated that the proposed soil stock piles would be higher than the field boundary hedgerows (which are to be managed at a height of 3m+) and therefore potentially visible from outside the site area. It is not considered that a sense of separation and perceived reduction in scale would be achieved by the use of 7m high stockpiles to the perimeter. Concerns have also been raised with the proposed mitigation, specifically with regards to the establishment of the wildflower grassland on the outer profiles of the soil stockpiles. This is particularly the case with the topsoil mounds because the higher fertility of the topsoil is likely to encourage the growth of more vigorous grasses and competitive weeds and achieve a reduced wildflower sward. It is recommended that consideration be given to providing greater management intervention. Stabilisation of the slopes (which are to be formed at a gradient of 1:2) has been queried, with a view to helping prevent erosion and/or aid establishment of wildflower grassland.

The proposed development would undoubtedly result in a significant change to the landscape, with agricultural land being replaced with a construction compound. The proposal would introduce some considerable engineered landforms in the form of 5m and 7m high soil stockpiles, and these would be particularly prominent along the eastern edge of the site. The proposal would also introduce plant, open storage of construction materials, tower lighting to the spine road and parking area, plus all the associated construction related activity. There would also be some loss of hedgerows. This would alter the established landscape character.

There would be some natural screening and visual containment of the site provided through the retention of existing boundary trees and hedgerows, although the height of the soil mounds would mean that they are still likely to appear as a noticeable presence within the landscape, even with the seeding to the outer banks. The proposed layout incorporates undeveloped areas of land and would be viewed in the context of the existing compound which helps to mitigate the extent of the visual impact on the landscape. The fields on the eastern side of Ashow Road would also provide a reasonable degree of physical separation to the village of Stoneleigh. It has been demonstrated that the overall effect on visual receptors would be very limited.

Overall, the impact on the landscape would be very localised and for a temporary period of time and on balance it is considered that the landscape and visual effects are not unacceptable. A condition is recommended requiring further details of the landscape mitigation works to the outer banks of the stock piles. This is to help address the concerns of WCC Landscape and ensure that the seeding of the banks becomes established and is managed effectively.

Effect on agricultural land

The application site comprises agricultural land spread across five fields.

Paragraph 174(b) of the NPPF places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The glossary within the NPPF defines best and most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a of the Agricultural Land Classification.

Policy NE5 of the Local Plan (Protection of Natural Resources) states that development proposals will be expected to demonstrate that they avoid the best and most versatile agricultural land unless the benefits of the proposal outweigh the need to protect the land for agricultural purposes.

The application is supported by an Agricultural Land Classification (ALC) Report. At the time of the assessment (June 2022), the fields were being used as grasslands with exception of the north eastern field that was in use for growing potatoes.

The ALC report has determined that the quality of agricultural land across the site predominantly comprises BMV land. 78% (24.1 hectares) of the site area is classified as BMV land and 22% (6.9 hectares) falls outside the classification as BMV land. A breakdown of the grades across the site is provided below.

- Grade 1 ('Excellent'): 18.2 hectares (59% of the site)
- Grade 2 ('Very good'): 1.6 hectares (5%)
- Grade 3a ('Good'): 4.3 hectares (14%)
- Grade 3b ('Moderate'): 6.9 hectares (22%)

The grades of agricultural land have been used to inform an Agricultural Impact Assessment (AIA) which assesses the potential impacts on agricultural receptors, agricultural land and soil resources.

Chapter 4 of the ES considers the likely impact of the proposed development on agriculture and soils and draws on the ALC Report and AIA.

The proposal would result in the temporary removal of approximately 31 hectares of agricultural land, much of which is classified as BMV land. This would mean that productive agricultural land was unavailable for its primary use and this would have a disruptive effect on the farm holding (agricultural receptor) and potentially necessitate changes to the scale and nature of the agricultural enterprise. Having said that, the land required for the development represents approximately 10.8% of the total 286ha farm holding and as such the overall impact on the agricultural receptor would be reduced.

Soil management would be undertaken in accordance with the measures outlined within the Code of Construction Practice (CoCP) submitted alongside the application, supported by HS2 Information Paper E33 - Soil Handling for Land Restoration and the Outline Soil Management Plan that forms part of the AIA. The documents detail how controls will be implemented to mitigate potential avoidable impacts on soils and ensure that the soils are reinstated to their previous baseline prior to construction, tailoring guidance according to on site soil properties. The ES also details a series of best-practice mitigation measures that would be implemented to avoid or reduce environmental impacts during construction. These measures would ensure that the development would be undertaken in a manner that is consistent with the HS2 works being carried out under the HS2 Act 2017.

The land required for the proposed development is only needed for a temporary period, after which it would be reinstated to its present condition and returned to

its established use. There would not therefore be any permanent loss of agricultural land and the proposed measures to mitigate the impact on soils would help to ensure that there would be no detriment to the long term quality of the land. As such, officers conclude that the effect on agricultural land is acceptable. A condition is recommended requiring the development to be carried out in accordance with the CoCP and ES - which includes all the proposed mitigation and control measures for soil management.

Heritage

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting. This means that considerable importance and weight must be given to any harm caused to designated assets in the planning balance.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.

The site contains no designated or non-designated built heritage assets. The site's wider context includes:

- Stoneleigh Conservation Area, located approximately 250m south-east of the site
- Several listed buildings, the majority of which are within the village of Stoneleigh. The nearest listed building is 5 and 6 Birmingham Road, located approximately 335m south-east of the site. The Grade I listed Church of St Mary is located 610m east of the site within the medieval core of Stoneleigh.
- Grade II* listed Stoneleigh Abbey Registered Park and Garden: This is divided into two halves; the western half is located approximately 475m southwest of the site and the eastern half approximately 230m south-east of the site

- Stoneleigh Bridge scheduled monument, located approximately 710m east of the site
- Two non-designated heritage assets: Swedish Houses, Birmingham Road, Stoneleigh, located 295m east of the site; and Wentworth House, Vicarage Road, Stoneleigh, located 275m east of the site.

The application is supported by a Heritage Statement which assesses the impact on built heritage assets within a defined 1km study area, including the above designated and non-designated heritage assets. It considers that there would be no impact on any of the 38 listed buildings within the study area and a negligible impact to the Stoneleigh Conservation Area and Stoneleigh Abbey Registered Park and Garden due to slight changes in the setting of these assets. It concludes that the impact of the development does not amount to harm to the significance of these assets.

The application has been assessed by the Council's Conservation and Design team and no objections have been raised.

The Conservation and Design team has not explicitly identified any harm and, having assessed the proposals in light of the applicant's Heritage Statement and the ES and considering the temporary nature of the development, Officers are of the opinion that the impact of the proposal on heritage assets would not amount to harm in the context of Chapter 16 of the NPPF. As such, it is not necessary to undertake a direct assessment against the requirements of paragraphs 201 or 202 of the NPPF, which relate to proposed developments where there would be substantial harm and less than substantial harm caused to the significance of a designated heritage asset respectively.

Subject to a condition requiring the land to be restored to its former condition when the proposed use of the land ends, the application is considered to accord with the NPPF and Policy HE1 of the Local Plan.

Archaeology

Policy HE4 of the Warwick District Local Plan states that development will not be permitted that results in substantial harm to archaeological remains of national importance, and their settings unless in wholly exceptional circumstances. The Council will require that any remains of archaeological value are properly evaluated prior to the determination of the planning application.

The application is supported by an Archaeological Assessment and the impact on archaeological heritage is considered within the ES. A Geophysical Survey has been carried out by the applicant and this found no definitive archaeological remains. The Archaeological Assessment details the potential for archaeological remains of different periods to survive within the site. It recognises that a programme of archaeological investigation and recording is necessary prior to any development works taking place to ensure that any archaeological remains are fully investigated and recorded.

WCC Archaeology have assessed the application and have commented that the proposed development site lies in an area of significant archaeological potential, with archaeological features and finds from the prehistoric periods onwards having been identified and recovered from the site itself and the wider area. The submitted Archaeological Assessment details these known sites. This includes a possible enclosure crop mark within the application site to the east of Kings Wood, although there is some uncertainty over its exact location. There is a potential for previously unknown archaeological deposits, pre-dating the medieval and later agricultural use of this area, to survive across this area and be disturbed by the proposed development. This is acknowledged by the Archaeological Assessment, which identifies a moderate potential for prehistoric and Roman features to survive across the site. There is also a potential for early medieval/Anglo-Saxon features to survive across this area.

Given the potential for archaeological features to be present within the site, WCC Archaeology have recommended that further archaeological evaluation is undertaken prior to the determination of the application and that this should comprise archaeological trial trenching.

The applicant considers that the further archaeological evaluation can be appropriately addressed through a suitably worded planning condition.

There is a moderate potential for the proposed development to disturb buried archaeological features. However, the proposal has a more limited subsurface impact than a permanent building and the layout is adaptable. In the circumstances, officers consider that a condition requiring further archaeological investigative work prior to the commencement of development is appropriate in this instance. It is recognised that the final form of the development may need to be tailored to take into account any important features of archaeological interest that should remain in situ, and planning conditions attached to any permission would need to reflect this possibility. Officers are satisfied that compliance with the relevant conditions would ensure that the scheme complies with the objectives of Local Plan policy HE4 Policy and guidance in the NPPF.

Notwithstanding the above, Officers are aware that the applicant has recently commenced some trial trenching on the site in consultation with WCC Archaeology. Should any additional information be submitted to the LPA in relation to this work then this will be reported to members in the written agenda update.

Amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health on health and living conditions.

The application is accompanied by a Noise and Vibration Assessment. This states that the nature of the construction work within the site would occur at a large distance (>150m) from the site boundary to the nearest receptors and would not involve any percussive or vibratory piling activities. The construction vibration impacts are therefore expected to be negligible and as such construction vibration is not considered in any further detail within the report. The assessment therefore focuses on the potential noise impacts of the development and provides an analysis of construction traffic noise and construction noise levels.

The Noise and Vibration Assessment identifies that the closest noise sensitive receptor to the proposed development is located approximately 155m to the west of the closest boundary of the site. There are also a number of noise sensitive receptors within 300m of the site including the residential area to the east at Vicarage Road and Hall Close, Stoneleigh. The impacts from construction traffic noise on the nearest noise sensitive receptors are predicted to be negligible and not significant. The predicted construction noise levels are well below the construction noise threshold value and Lowest Observed Adverse Effect Level (LOAEL) during the daytime construction working hours and are therefore unlikely to result in significant adverse effect. Potential out of hours maintenance and repair activities are also predicted to not generate significant adverse effects.

The application is also accompanied by a Light Pollution Assessment. Lighting columns would be installed along the compound spine road and to the HGV/Plant parking area; lighting would be on during the hours of darkness for reasons of health, safety and security. The Light Pollution Assessment does not identify any potential adverse impacts on sensitive receptors as light spill would not reach the nearest residential receptor. A condition is recommended requiring a detailed design for the proposed lighting strategy.

An Air Quality Mitigation Statement has been provided and this concludes that annual mean NO₂ concentrations are not predicted to exceed the air quality standards in both the with and without construction of the proposed development scenarios. No specific mitigation measures are therefore proposed with respect to road traffic emissions.

The submitted CoCP details a series of measures that would mitigate the development's impact on amenity, including in relation to noise, dust, odour and air quality. It is to be noted that the construction/site working hours would mirror those of the existing compound.

Environmental Protection have assessed the application and no concerns have been raised. The Environmental Health Officer has commented that potential adverse impacts on local amenity would be adequately controlled by the existing Environmental Minimum Requirements (EMR) for HS2 Phase One, the Code of Construction Practice (CoCP) and Section 61 of the Control of Pollution Act 1974. It is considered necessary to impose a condition requiring the development to be carried out in accordance with the EMR and the submitted CoCP. This is to ensure that the impacts of the proposed development are adequately mitigated and so that this development, which falls outside of the scope of the HS2 Act 2017, is carried out in line with the works that do fall under that Act.

Highway matters

Access:

The existing A46 Main Compound has its primary vehicular access onto the B4115 Ashow Road. This road lies to the east of the application site.

The A46 Main Compound access is to be revised so that the route is directly onto Stoneleigh Road rather than the B4115 Ashow Road, with the existing compound access on Ashow Road removed.

The proposed new access off Stoneleigh Road would form a standard priority T-junction. The proposed T-junction is envisaged to be in place as a short-term measure, being replaced by the approved roundabout on Stoneleigh Road that is to provide access to the relocated Rugby Farmers' Market, as per planning permission W/20/2013.

The proposed new access is intended to accommodate all vehicular trips at the extended compound. All Heavy goods vehicles (HGVs) would utilise this access, thus avoiding Ashow Road and the Ashow Road/Stoneleigh Road crossroads and allowing for a more direct route to the Strategic Road Network. Light goods vehicles (LGVs) and cars are also to be routed via the new Stoneleigh Road access.

Vehicular Trip Generation:

While the proposed development extends the existing Main Compound by approximately 30 hectares, it is not anticipated that there would be any additional trips over and above the trip generations that have already been consented under the HS2 Act 2017.

The existing compound was to be served by two access routes – one route utilising Stoneleigh Road and the B4115 Ashow Road throughout the entire construction period, and the second being a one-way routing that would enter the A46 Main Compound from the south via the B4115 Ashow Road and depart via a newly constructed roadhead directly onto the A46 Kenilworth Bypass.

Under the existing consent, 55 daily two-way HGV movements would utilise the dedicated route via the B4115 Ashow Road and Stoneleigh Road, while 272 daily two-way HGV movements would initially utilise a one-way routing to enter the A46 Main Compound from the south via the B4115 Ashow Road, and then leave the A46 Main Compound again via the B4115 Ashow Road and Stoneleigh Road (to the north). The 272 two-way HGV movements would later increase to 822 daily two-way HGV movements upon the opening of the dedicated roadhead onto the A46 Kenilworth Bypass. However, it is no longer intended to construct the roadhead directly onto the A46 Kenilworth Bypass and as such the associated 822 two-way HGV movements per day that were to be introduced are rendered obsolete.

The trip generation for the proposed development is to be 272 two-way HGV trips per day, being routed via Stoneleigh Road only.

LGV and car trip generations remain unchanged from the original consent (between 145 and 190 two-way trips per day).

Parking:

The parking area proposed within the compound extension is for site-based vehicles only, and there would not be an increase in cars commuting on the public highway network to the compound (as extended by the proposed development).

Sustainable Travel:

The Transport Assessment includes a Framework Workforce Travel Plan (FWTP), which sits within the context of the High Speed 2 Phase One and 2a Route-Wide Traffic Management Plan.

The FWTP considers the requirements to be followed to manage the traffic related impacts associated with proposed development with the intention of helping to reduce the impact of travel demands of the compound site. The FWTP sets out proposals for site access for all workers and site staff, considering the availability of public transport routes and facilities for cycling and walking per anticipated demands.

Given that the proposal is for an extension to the existing compound that is to be used for storage and access route only and the proposal would not result in any material changes to the established travel demands of the workforce, officers are satisfied that the measures contained within the FWTP are sufficient in conjunction with the sustainable travel arrangements in place for the existing consented compound. A condition is recommended to this effect.

Conclusion:

The purpose of the proposed development is primarily to accommodate storage and management of soils and other materials, and in so doing minimise concentrations of construction-related traffic on the local road network by allowing phased transportation of those materials in advance of the peak demand for them. Furthermore, the proposed development would remove HGVs associated with HS2 construction from the local road network on Ashow Road and its junction with Stoneleigh Road, allowing for more direct access onto the A46. These are considered to provide highway related benefits and weigh in favour of the application.

It is not anticipated that there would be any increase in vehicle movements associated with the compound as extended by the proposed development. Indeed, the information suggests that there would be fewer HGV movements in comparison to the maximum HGV trips already consented.

The applicant's Transport Assessment has determined that traffic associated with the extended compound would not result in an adverse effect on the current operation of Stoneleigh Road nor result in any significant material effects on the current operation of the surrounding local and strategic road networks. No

mitigation infrastructure is deemed necessary to accommodate trips associated with the proposed development.

The application has been assessed by the Local Highway Authority (LHA) and National Highways and no objections have been raised. As a nearby local authority, Coventry City Council was consulted on the application and have commented that they do not consider that there would be any significant impact on the road network.

The proposed new T junction onto Stoneleigh Road is considered acceptable, subject to a condition requiring the bellmouth to be laid out and constructed in accordance with the standard specification of the Local Highway Authority. The LHA has also recommended a condition requiring the proposed access to be closed and the kerb and verge reinstated upon completion of the new access arrangements (roundabout) as permitted under planning approval reference W/20/2013.

The CoCP also includes details of measures to reduce potential transport impacts. This includes generic route-wide measures for HS2 construction and local traffic management plans (LTMPs). The implementation of such measures would further mitigate any transport related effects.

Subject to the aforementioned conditions, the application complies with Policies TR1, TR2 and TR3 of the Local Plan and the NPPF.

Trees

An Arboricultural Assessment has been provided with the application; this includes an arboricultural impact assessment, an arboricultural method statement and tree constraints plan showing proposed tree protection measures.

Trees within the application site are predominantly located around the perimeter of the site and field boundaries within the site. The fields themselves are largely devoid of trees but are bordered by large groups of trees and hedgerows containing the majority of the individually surveyed trees, which range from Category A-C. Most of the trees to the external periphery of the site lie to the northern and eastern boundaries. None of the trees surveyed within the application site were recorded as veteran trees, however three trees on the eastern boundary were found to be developing features associated with veteran trees.

The application site surrounds, but does not include, an area of ancient woodland known as Kings Wood. Kings Wood is a Planted Ancient Woodland Site (PAWS) and such sites are protected through the planning system (NPPF para 180 (c)). The application site also surrounds a group of Category B trees to the west of Kings Wood where there are two ponds.

No trees are proposed to be felled or pruned to facilitate the proposed development. Six sections of hedgerow are proposed to be removed. One section is to be removed along Stoneleigh Road to form the proposed new access and a very short section is proposed to be removed to the eastern edge of the site to form a drainage channel. The remaining sections are proposed for

removal within the site to allow for the formation of the spine and haul roads (one of which is also required to enable access to the approved roundabout to the Rugby Farmer's Market). All sections of hedgerow would be reinstated as part of the site restoration.

The scheme provides measures to protect Kings Wood. A buffer is provided around the entirety of Kings Wood and a protective barrier is proposed to be formed. The woodland would be 20m from the site boundary, with 15m being the minimum buffer acceptable between site works and a PAWS to comply with the Environmental Minimum Requirements (EMR) of HS2. Protective barriers are also proposed to protect individual trees, groups of trees and certain hedgerows as specified within the Arboricultural Assessment. The Root Protection Areas of the existing trees have influenced the proposed site layout, particularly the mature/veteran trees to the eastern boundary, with offsets provided to mitigate potential impacts on the retained vegetation.

The Council's Arboricultural Officer has assessed the application and considers that the applicant's Arboricultural Assessment provides a good analysis of the tree stock and provides realistic measures to prevent harm to trees and hedgerows during the course of the proposed life of the compound. No objections have therefore been raised and a condition has been recommended to ensure that the proposed protection measures are adopted.

As a neighbouring local authority within relatively close proximity to the application site, Coventry City Council (CCC) was consulted on the application. This was principally on the basis of the potential highway impacts. The consultation response from CCC includes detailed comments from their Tree Protection Officer raising numerous concerns and issues with the potential impact of the development on trees. It is unusual for an Arboricultural Officer in a neighbouring authority to formally comment on tree issues when there is such a significant separation distance between a development site and the neighbouring local authority boundary. The comments are nevertheless acknowledged and have been shared with the WDC Arboricultural Officer. Notwithstanding the comments from CCC, Officers are satisfied that the arboricultural impacts of the development can be made acceptable through the mitigation proposed based on the advice provided by this authority's Arboricultural Officer.

Ecology

The NPPF and Local Plan place great importance on the protection and enhancement of biodiversity, including achieving a biodiversity and green infrastructure net gain when mitigating impacts of new development.

Policy NE2 of the Local Plan states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Policy NE3 of the Local Plan states that new development will be permitted provided that it protects, enhances and / or restores habitat biodiversity. Development proposals will be expected to ensure that they lead to no net loss of biodiversity, and where possible a net gain, where appropriate, by means of an approved ecological assessment of existing site features and development impacts; protect or enhance biodiversity assets and secure their long term management and maintenance, and; avoid negative impacts on existing biodiversity.

The likely effects of the proposed development on nature conservation and biodiversity have been assessed in the submitted Biodiversity Statement and Chapter 6 of the ES. The Biodiversity Statement comprises of a Preliminary Ecological Appraisal (PEA), species survey reports and a Biodiversity Impact Assessment Report (Biodiversity Net Gain Feasibility Report).

The submitted information concludes that the proposed development would not adversely affect any statutorily protected sites, and this is confirmed by the consultation response from Natural England.

The closest non-statutory designated site is Kings Wood, a replanted ancient woodland (ecosite), that is surrounded by the application site and is identified as a habitat of principal importance. Due to its proximity to the development and the nature of this habitat, specific mitigation measures have been proposed for Kings Wood. Indirect effects on Kings Wood from light, noise, vibration and dust deposition, most notably from plant using haul roads adjacent to the western and southern boundary of the woodland, are to be managed through implementation of measures in the CoCP and the provision of the following features:

- 20m buffer around the outside of Kings Wood within which no construction would take place, thus ensuring a tree root protection area
- Light barriers on the north and south woodland edges
- Noise and dust barriers on the west woodland edge

The Biodiversity Statement provides an analysis of the different habitats within the site as well as the two parcels of land that the application site surrounds - Kings Wood and the two ponds to the west of the wood. These two ponds and ditch running along the north-west boundary of Kings Wood have been specifically considered within the report due to their close proximity to the proposed development and suitability for great-crested newts.

An assessment of the hedgerows within the site is also provided, none of which meet the criteria for "Important hedgerows" in Section 4, and Part II within Schedule 1 of The Hedgerows Regulations 1997 legislation. The sections of hedgerows that are proposed to be removed would be reinstated following decommissioning of the development, and any other gaps bolstered to improve connectivity along these features. Where replanting is undertaken, it is stated that this would utilise a variety of native species of local provenance, including native elm where appropriate.

The Biodiversity Statement considers the potential impact on protected and notable species of fauna, including bats, birds, great crested newts (GCN),

reptiles and another protected species. Due to the potential for likely impacts, specific mitigation measures are proposed for each of these.

Section 9 of the CoCP also includes a requirement to implement a range of general construction safeguards to protect ecological receptors.

WCC Ecology has been consulted and have commented that the make-up of the proposed compound site is such that it forms a valuable habitat mosaic, located within a wider landscape of similar habitats (including the River Avon corridor to the east), and is capable of supporting a range of protected and notable species. The response states that they consider that key information is missing from the ES, both in terms of construction details and ecological information; particularly relating to habitats. It is also considered that inadequate and inappropriate protection/avoidance measures are proposed as well as discrepancies in different parts of the ES.

The applicant has provided a response to these comments, identifying where certain information is contained within the planning application submission and providing clarification on specific aspects of the development where queries have been raised. WCC Ecology have subsequently been re-consulted and a response is awaited at the time of writing.

Officers have considered the ES, Biodiversity Statement and supporting ecological reports along with the consultation comments from WCC Ecology and the applicant's response. Officers have also had regard to the Natural England and Forestry Commission 'Standing Advice: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions', as advised by the Forestry Commission.

The proposed development would clearly have an impact on the existing habitats on the site and is likely to result in a degree of disturbance to species and as well as disruption to habitat connectivity and ecological functionality. However, the application proposes a range of measures to mitigate the ecological impacts of the development, including precautionary measures, habitat and species specific mitigation measures and compensatory actions. The proposed layout also includes areas within the site where no development would occur and these would form areas of ecological habitat that provide opportunity for enhancement measures. The effects of the development would also be finite and the land would eventually be restored to its present state. No significant ecological impacts have been identified beyond the compound site (i.e. the application site, Kings Wood and the ponds to the west of the wood).

Officers will provide an update to members following receipt of further comments from WCC Ecology.

Biodiversity Net Gain (BNG)

The application includes a Biodiversity Impact Assessment (Biodiversity Net Gain Feasibility Report). The report provides the findings of the BNG calculations undertaken as part of the BIA and makes recommendations on how the proposed development can achieve a measurable biodiversity net gain. The proposed options for landscape and ecology design include:

- Option A – Explores the feasibility of achieving biodiversity net gain based on the proposed development being built prior to the adjacent Rugby Farmer’s Market Roundabout (RFMR) scheme.
- Option B - Explores the feasibility of achieving biodiversity net gain based on the proposed development being built after the adjacent RFMR scheme.

Under Option A the proposed development is projected to result in a biodiversity loss of 11.66% for area habitats and loss of 3.58% for hedgerows, post-development.

Under Option B a loss of 11.76% for area habitats and loss of 2.55% for hedgerows post development is projected.

The report states that it may not be possible to mitigate the loss of biodiversity within the proposed development site and therefore off-site locations are also being considered for the provision of BNG, which would need to be agreed with the LPA.

During the course of the application, the applicant has advised that they intend to use an offsite location in order to satisfy the BNG requirements for the scheme. An offsite location is required as the land agreement (lease) for the application site does not allow for onsite provision; the land within the application boundary is being returned to the landowner once the proposed temporary construction use comes to an end and following restoration to agricultural land.

It is proposed that the scheme, alongside the consented Rugby Farmers Market Roundabout scheme (application reference W/20/2013), will use a single site to discharge the BNG requirements for both schemes. The site will be located within Warwick District and will be located on land that has already been purchased for HS2 use, which will then be retained for BNG purposes rather than disposed of following construction of HS2.

Officers consider that securing a net gain off-site is acceptable and will allow for long term biodiversity benefits given that the proposed use is temporary and the land is to be returned to its existing agricultural state once the construction phase ends. The detailed scheme of the BNG is to be secured by condition.

Flood risk and drainage

The application site is located entirely within Flood Zone 1 on the Environment Agency's Flood Map for Planning and the risk of flooding from river sources is therefore low. The Flood Risk Assessment (FRA) submitted with the application confirms that the development is not expected to increase fluvial flood risk and therefore the risk of flooding from this source to the site is expected to remain at low risk and the risk of flooding to existing identified third party receptors is not expected to be increased.

The proposed development would increase the impermeable area within the site boundary. A surface water drainage strategy to mitigate the surface water flood

risk to the site and third party receptors has been developed. The proposed surface water drainage system would utilise sustainable drainage features, including a drainage attenuation pond located in the southernmost part of the site, and discharge into an existing HS2 temporary drainage channel associated with the existing Main A46 Compound, which ultimately outfalls to the River Avon. Discharge to the River Avon has been previously consented by the Environment Agency and the applicant has confirmed that they will be submitting an application to the Environment Agency for a consent variation to the existing consented outfall to the River Avon to accommodate the additional proposed discharge. The FRA states that, subject to Environment Agency approval of the consent variation, it is expected that the site will be at low risk of surface water flooding during the operation of the temporary works and it is not expected that the proposed development would impact surface water flood risk to identified third party receptors.

The requirement for temporary land drainage ditches around the external perimeter of the works area has been identified. The function of these ditches is to control any potential surface water, polluted or silty water run-off into adjacent land originating from construction related activities within the application site boundary. This is also to assist in the drainage of temporary platforms and haul roads for increased durability and stability of formation earthworks. The temporary land drainage ditches would collect surface water runoff from the temporary stockpile areas, haul roads, HGV/Plant parking and laydown areas and convey this to the attenuation pond. The pond lies within the low point of the site and would be excavated to approximately 4.6m below the existing ground level, with the water level expected to be approximately 2.2m deep.

The submitted CoCP includes a suite of measures designed to mitigate flood risk and drainage issues and protect water resources. This includes a requirement for a Local Environmental Management Plan (LEMP) to be produced by the applicant.

The Lead Local Flood Authority (LLFA) has been consulted on the application. At the time of writing there is a holding objection in place because it is considered that the details relating to the surface water drainage are insufficient. While there is no fundamental objection to the scheme, the LLFA has identified a number of uncertainties and inconsistencies within the submitted details that need to be resolved. A meeting has recently been held with the LLFA and the applicant to help resolve matters and additional/amended information has subsequently been submitted. Further comments from the LLFA are awaited and an update will be provided to members of this. The officer recommendation reflects the need for drainage matters to be fully resolved to the satisfaction of the LLFA.

Other matters

A Contaminated Land Survey has been submitted with the application and this has been assessed by Environmental Protection. To address potential issues relating to land contamination, Environmental Protection have recommended a condition regarding the reporting of any unexpected contamination that is

encountered during the development. Such a condition is considered to be reasonable and necessary.

There is a public right of way adjacent to the site but it is to be noted that the Public Rights of Way team has not raised any objections to the application.

Sixteen objections have been submitted in response to the publicity of the application and the concerns raised have been summarised within this report. Stoneleigh and Ashow Parish Council has also submitted an objection, citing concerns in relation to drainage, the effect of lighting and insufficient consultation. Comments have also been made by the Parish Council in relation to the reinstatement of the land and highway matters.

Objectors and the Parish Council have commented that there have been issues with surface water running down Birmingham Road and through the village of Stoneleigh and there are concerns that the proposed development would exacerbate this. The Parish Council has sought assurances from the applicant that the water from the soil mounds will be adequately managed by the attenuation ponds and not run into the village. As discussed earlier within this report, a drainage scheme has been designed which seeks to manage surface water from the development, with temporary drainage channels incorporated to capture run-off from the stockpiles and areas of hard surfacing. This would then be directed to an attenuation pond within the low point of the site adjacent to the existing compound. The details of the strategy are however still to be agreed with the LLFA and the application can only be deemed acceptable if drainage matters are satisfactorily resolved.

Concerns have also been raised by the Parish Council as well as objectors in relation to the proposed lighting. The submitted Light Pollution Assessment demonstrates that light spill beyond the site boundary would be extremely limited and largely restricted to around the site access on Stoneleigh Road.

Concerns have been raised with the applicant's pre-application consultation process. Whilst there may be local concerns with this, the publicity undertaken by the Local Planning Authority on the planning application meets all statutory requirements.

Local residents and Stoneleigh and Ashow Parish Council have raised issues with a lack of detail on the reinstatement of the land and timescales. The submitted information details the existing condition of the site and provides a timetable for the development, including decommissioning and restoration. A condition requiring the land to be restored to its pre-development condition and with a time limit on the duration of the development is considered adequate.

The Parish Council and local residents have raised issues relating to the highway impacts of the development, including the suitability of the proposed access, increased construction traffic on the local road network (including through the village of Stoneleigh). In response to these concerns, the purpose of the application is to help mitigate the highway related impacts of HS2 construction and it has been shown that the proposal would not result in an increase in vehicular movements on the road network. The new access on Stoneleigh Road

is considered acceptable to the Local Highway Authority, who have not raised any concerns with the application.

Stoneleigh and Ashow Parish Council have requested that, should the application be approved, the temporary traffic lights at the Stoneleigh crossroads are removed and Birmingham Road is closed off to through traffic in Stoneleigh Village. The applicant has responded to this and has stated that the temporary traffic lights at the B4115 Ashow Road, Birmingham Road and Stoneleigh Road junction (Stoneleigh crossroads) are currently in place to manage traffic associated with the current A46 Main Compound access (off the B4115 Ashow Road). These traffic lights would be removed when the proposed new T junction on Stoneleigh Road is in place. HGV movements to/from the strategic road network (SRN) for the A46 Main Compound and its extension would only pass along Stoneleigh Road and would not pass through the village of Stoneleigh (given the A46 is the nearest stretch of the SRN). It would be for the Local Highway Authority to consider reinstating the Stoneleigh crossroads traffic lights after their removal, together with closure of the Birmingham Road in Stoneleigh. From an officer perspective, the request from the Parish Council falls outside of the scope of this planning application and would need to be looked at separately.

Concerns have been raised by objectors with regards to increased mud on the public highway. The proposal includes wheel wash facilities and the CoCP includes measures that would mitigate such impacts.

All other issues raised by objectors are considered to have been addressed within the relevant sections of this report. The comments made in relation to the merits of HS2 are not material planning considerations.

PLANNING BALANCE AND CONCLUSION

The proposed development is required in connection with the delivery of HS2, a nationally important infrastructure project. There is an existing construction compound being used to deliver a section of the route and the proposal would allow for an extension of the existing compound to facilitate storage and management of materials as well as providing a new access off Stoneleigh Road for all associated construction traffic. The proposal would provide several benefits, including reducing construction traffic on local roads and minimising interaction with peak times on the road network.

The proposal would give rise to a series of environmental impacts which have been considered within this assessment. It is considered that the potential impacts of the development can be mitigated to an acceptable extent and, importantly, there would not be any permanent adverse impacts because of the temporary nature of the development. As such, the benefits of the proposal in terms of facilitating the delivery of HS2 and the other benefits identified within the application are considered to clearly outweigh the temporary harm that would arise, including harm to the Green Belt. This is subject to the satisfactory resolution of drainage and biodiversity issues as discussed within this assessment and subject to the conditions set out below.

CONDITIONS

1 Time limit:

The development hereby permitted is limited for a period of 7 years from the date of this permission. Before the expiration of the planning permission, all structures, buildings, construction materials, hard surfacing and ancillary works associated with the compound shall be removed from the application site and the land restored to its pre-development condition and land use. The land shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority within 5 years of the date of this permission.

Reason: The proposed development is for a temporary period and is only acceptable on this basis. This is in the interests of preserving the Green Belt, local landscape character, the land resource, ecology, amenity and highway safety.

2 Approved plans:

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings listed below and specification contained therein, subject to any variations required in connection with Condition 3(c).

- HS2 A46 MAIN COMPOUND EXTENSION PROPOSED LAYOUT
- HS2 A46 MAIN COMPOUND EXTENSION SECTIONS
- HS2 A46 MAIN COMPOUND EXTENSION PROPOSED TEMPORARY BUILDINGS

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Archaeology:

No development shall take place until:

a) a written scheme of investigation for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved scheme has been undertaken, and a report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority;

c) a mitigation strategy, informed by the results of the archaeological evaluation, has been submitted to and approved in writing by the Local

Planning Authority, to include any archaeological mitigation measures, including any necessary adjustment to the layout and details of the scheme.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition, shall be undertaken in accordance with the approved archaeological mitigation strategy. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029 and guidance in the National Planning Policy Framework.

4 Tree protection measures:

Prior to the commencement of the development hereby approved (including site clearance or other preparatory works), the tree protection measures in the Arboricultural Assessment from HS2, reference TT12 dated June 2023, and shown on the appended Tree Constraints Plan, together referred to as the scheme of protection, shall be adopted. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

5 The existing trees as indicated on the submitted Tree Constraints Plan shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees removed, dying, or being severely damaged or diseased or becoming, in the opinion of the Local Planning Authority, seriously damaged or defective, within five years of the cessation of the compound use shall be replaced within the next planting season with trees of the same size and species. All trees shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

6 Biodiversity net gain:

The development hereby permitted shall not be brought into use unless and until a detailed scheme for biodiversity enhancements to achieve a net gain in biodiversity has been submitted to and approved in writing by the Local Planning Authority. The net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric 4.0. The scheme shall include full details of the type and location of the proposed biodiversity enhancements, a schedule detailing the timings for the provision of the enhancements and details of future maintenance and monitoring. The enhancement measures shall be provided in accordance with the approved scheme.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan.

7 Mitigation measures:

The development hereby approved shall be carried out in full accordance with the published Environmental Minimum Requirements for HS2 Phase One, the submitted Code of Construction Practice and Related Documents (Ref: TT15, June 2023) and all mitigation measures contained within the Environmental Statement and Appendices (Ref: TT6, TT8 & TT9, June 2023).

Reason: To mitigate the impacts of the development as detailed within the Environmental Statement.

8 Landscape scheme for stock piles:

Before the development is brought into use, a temporary landscape scheme and maintenance thereof for the outer faces of the proposed stock piles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the proposed landscape and visual mitigation measures, including the use of seeded wildflower grassland on the outer faces of the proposed stock piles, as well as ground preparation prior to seeding and the proposed use of the arisings generated by the established swards. The landscape and visual amenity mitigation measures shall be implemented in accordance with the approved scheme and as detailed on drawing numbers TT25 and TT26.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

9 Travel plan

The development hereby permitted shall be carried out in accordance with the measures detailed within the Framework Workforce Travel Plan contained within the submitted Transport Assessment and any approved Workforce Travel Plans associated with the operation of the existing compound.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

10 Access:

The temporary access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety and to accord with Policy TR1 of the Warwick District Local Plan.

11 Removal of temporary access:

Upon completion of the access arrangements permitted under planning permission W/20/2013 (or any approval that modifies that permission) all parts of the access onto Stoneleigh Road hereby approved shall be closed and the kerb and verge reinstated in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety and to accord with Policy TR1 of the Warwick District Local Plan.

12 Biodiversity mitigation:

The development hereby approved shall be carried out and provided in accordance with biodiversity mitigation measures detailed within the Biodiversity Statement (Ref: TT14, June 2023) and the Environmental Statement.

Reason: To mitigate the impact of the development on biodiversity and to accord with Policies NE2 and NE3 of the Warwick District Local Plan and guidance in the National Planning Policy Framework.

13 Unexpected contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, 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 BE3 and NE5 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

14 Lighting:

A detailed design for the proposed lighting of the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The lighting scheme shall be designed in accordance with the principles set out within the submitted Light Pollution Assessment (Ref: TT21, June 2023). The approved lighting shall be provided and operated in accordance with the approved detailed design.

Reason: In the interests of biodiversity, the visual amenity of the landscape and residential amenity and to accord with policies NE3, NE4 and BE3 of the Warwick District Local Plan.
