

## Planning Committee

A meeting of Planning Committee was held on Friday, 21st May, 2021.

**Present:** Cllr Norma Stephenson OBE (Chair), Cllr Carol Clark, Cllr Luke Frost (Substitute for Cllr Sylvia Walmsley), Cllr Stefan Houghton (Substitute for Jackie Bright), Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Mick Stoker, Cllr Marilyn Surtees, Cllr Sally Ann Watson (Substitute for Cllr Lynn Hall) and Cllr Bill Woodhead MBE.

**Officers:** Julie Butcher, (HR, L&C), Stephanie Landles (A&H), Helen Boston, Simon Grundy, Greg Archer, Martin Parker, Rachel Powell (D&BS), Peter Bell, John Devine, Nigel Hart, Michael Henderson (MD).

**Also in attendance:** Applicants, agents and members of the public.

**Apologies:** Cllr Jackie Bright, Cllr Lynn Hall, Cllr Steve Walmsley and Cllr Sylvia Walmsley.

### **P       Declarations of Interest**

**44/20**

There were no interests declared.

### **P       20/2481/EIS - Land North Of Wynyard Business 45/20   Park, North Chapell Lane, Wynyard - Erection of a class B8 storage and distribution unit with ancillary offices, parking, servicing, landscaping and formation of new access roads plus associated ancillary works.**

Consideration was given to a report that detailed planning application 20/2481/EIS - Land North Of Wynyard Business Park, North Chapell Lane, Wynyard - Erection of a class B8 storage and distribution unit with ancillary offices, parking, servicing, landscaping and formation of new access roads plus associated ancillary works.

The majority of the application site lay within an area designated in the Adopted Stockton Local Plan for general employment use. Policy EG1(c) identifies 37ha of land at Wynyard as a high quality strategic inward investment location for office (B1 Use Class) manufacturing and engineering (B2 Use Class) and logistics use (B8 Use Class) providing opportunities for major employers to locate in the Tees Valley. The development of a distribution centre therefore would be in accordance with this policy.

Outline planning permission was granted in December 1994 to One NorthEast for the development of an electronic components park on agricultural land to the north west of the A689 and A19 junction (Ref 94/2143/P). This included the majority of the application site (excluding the second access road). Since this permission a series of applications for full and reserved matters permissions had been granted.

A secondary point of access was also proposed to the north of the site and would adjoin the existing access road which provided vehicular access for the existing industrial units to the west of the site on Glenarm Road. This access point had been proposed in line with feedback from prospective occupiers to provide a dedicated second means of access which could be primarily used by

staff. This allowed segregation of HGVs (to access from Chapel Road North) and cars thereby enhancing the safe operation of the site. It would also provide a secondary route of access and egress in the event of a blockage within the site, or within the wider Wynyard Business Park.

The Wynyard Masterplan, adopted in November 2019, was prepared in support of Local Plan policy H3 'Wynyard Sustainable Settlement'. Its purpose was to provide a comprehensive approach to the delivery of the Local Plan allocations in both Stockton and Hartlepool, guiding future development to deliver the vision for a sustainable settlement at Wynyard.

The proposed secondary access road would be utilised as a staff access to the development with all HGV movements associated with the development accessing the site from the Wynyard Avenue / A689 junction via the existing business park. The alignment of the proposed road was broadly in accordance with the agreed Masterplan for Wynyard therefore the principle of a new road in this location, which would serve both the proposed B8 unit and future housing development within the Wynyard Park area, had already been established and agreed. The road was designed in accordance with the street hierarchy set out in the masterplan and the landscape strategy for the road ensures compliance with placemaking aspects of the masterplan. Furthermore, it was considered that the secondary access would deliver the necessary infrastructure required to bring future residential parcels forward, therefore meeting both the connectivity objectives of the masterplan and the housing delivery needs of the local plan allocation.

The Highways Transport and Design Manager and Highways England had fully considered the proposal and raised no objection subject to appropriate controlling conditions.

The applicant had provided figures indicating the proposed development would have a substantial beneficial effect on the local economy and create in excess of 1000 jobs which was a significant material consideration.

Other key material planning considerations in relation to this application including the potential impact on the landscape, heritage, ecology, flood risk, highway safety matters; impact on neighbouring properties and other impacts of the proposal had been fully considered against national and local planning guidance and the development as proposed was considered to be in line with general planning policies set out in the Development Plan. It was considered that there were no adverse impacts which significantly and demonstrably outweigh the benefits of granting planning permission in this case and the application was therefore recommended for approval with conditions.

Consultees had been notified and any relevant comments received were detailed within the report.

Neighbours were notified by letter, site notice and press advert. The comments that had been received were summarised within the report and full details were available on the SBC website.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the report.

The Officers report concluded that the impacts of the proposal had been considered against national and local planning guidance and the development as proposed was considered to be in line with general planning policies set out in the Development Plan, was acceptable in terms of highway safety, did not adversely impact on the neighbouring properties, heritage assets, ecological habitat, archaeology, flooding and was recommended for approval with conditions set out in the report.

It is considered that there were no adverse impacts which significantly and demonstrably outweigh the benefits of granting planning permission in this case.

The agent for the applicant was in attendance at the meeting and was given the opportunity to make representation and his comments could be summarised as follows:-

- There is a growing national demand for storage and distribution centres.
- The development will help with the economic growth of Stockton-on-Tees in a way that is consistent with the overarching plan for the Borough.
- The vast majority of the application lies within the Local Plan.
- Earlier this year planning permission was granted for levelling and regrading of the site.
- Over £5 million has been granted in funding to improve the nearby road network.
- The main access will be by Wynyard Park and a secondary access will be via the Plantation, this accords with the Wynyard Masterplan. There is no intention for this secondary access to be used by HGVs.
- There will be around 1000 jobs during the construction period and around 1500 jobs during the operation.
- Once the operation is open it will create £42 million GBA per year.

An objector was in attendance at the meeting and was given the opportunity to make representation and his comments could be summarised as follows:-

- Opposing the secondary access only.
- The plans do not reflect the rural nature of the secondary access.
- An opening through the woodland will create a channel for traffic noise directly to the residential area.
- The woodland creates a nature sound barrier and this will effectively be removed.
- The road will cause light pollution from the lighting columns.
- The traffic using this road will not be policed and will be used by HGVs and not just staff cars.
- Children and people running already use the residential road.
- Implore Members to read my full objection to the access.
- The overall ecological enhancement of the site falls very short and doesn't provide any improvements at all.
- The visual impact statements are incorrect.

Officers then responded to representations submitted by the objector as follow:-

- The loss of view is not a material planning consideration.
- In terms of impact on neighbouring properties, the impact of the access road has been considered and condition 25 will alleviate any problems.
- Concerns around the safety aspect have been acknowledged and this is a mixed-use site and other businesses could come onto that site.
- Other information that has been supplied with the application is sufficient.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:-

- The application has got huge benefits to the Borough.
- Welcome additional jobs but there maybe an impact on local businesses, is there anything in planning law that reflect this issue?
- Online shopping is here to stay and this is how many people now shop.
- Regarding the secondary access, what would constitute an emergency for the HGVs to have to use this road?
- Can officers show which part of the application is not within the Local Plan?
- In the Heads of Terms it describes local employment, what is the definition of local people? And what is the definition of staff who will be able to use the secondary access road?
- Could any noise mitigation take place to the west of the secondary access road ?

Officers then responded to the questions / comments that had been raised as follows:-

- This is not a retail centre but a distribution centre so therefore planning officers could not consider impact on local businesses.
- Condition 25 covers the secondary access confidently.
- Local employment for construction jobs is someone within the north east of England and the definition of local employment for operational jobs is anyone from Stockton-on-Tees or Hartlepool.
- Officers showed the area of land that was not in the Local Plan and outlined that the application broadly accorded with the Local Plan and Masterplan.

A vote took place and planning application 20/2481/EIS was approved.

RESOLVED that planning application 20/2481/EIS be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

#### Time Limit

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

#### Approved Plans

02 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
NCL2-ARC-SW-XX-SK-AR-9003-S2-01	16 March 2021
STO-ARC-SW-XX-DR-AR-0001-S2-06	6 November 2020
STO-ARC-GH-ZZ-DR-AR-0011-S2-01	26 October 2020
STO-ARC-KI-ZZ-DR-AR-0013-S2-01	26 October 2020
STO-ARC-SW-XX-DR-AR-0002-S2-08	26 October 2020
STO-ARC-SW-XX-DR-AR-0004-S2-05	26 October 2020
STO-ARC-SW-XX-DR-AR-0005-S2-05	26 October 2020
STO-ARC-SW-XX-DR-AR-0006-S2-04	26 October 2020
STO-ARC-SW-XX-DR-AR-0007-S2-01	26 October 2020
STO-ARC-SW-XX-DR-CE-0014-01	26 October 2020
STO-ARC-SW-XX-DR-HE-0001	26 October 2020
STO-ARC-SW-XX-DR-HE-0002	26 October 2020

STO-ARC-SW-XX-DR-HE-0003.	26 October 2020
STO-ARC-SW-XX-DR-HE-0004.	26 October 2020
STO-ARC-SW-ZZ-DR-CE-0010-01	26 October 2020
STO-ARC-SW-ZZ-DR-CE-0011-01	26 October 2020
STO-ARC-SW-ZZ-DR-CE-0012-01	26 October 2020
STO-ARC-SW-ZZ-DR-CE-0013-01	26 October 2020
STO-ARC-XX-XX-DR-AR-0010-S2-02	26 October 2020
STO-ARC-ZZ-ZZ-DR-AR-3001-S2 Revision 03	26 October 2020
STO-ARC-ZZ-ZZ-DR-AR-4001-S2 Revision 03	26 October 2020
STO-ARC-ZZ-P1-DR-AR-1001-S2 REV 04	10 November 2020
STO-ARC-ZZ-P2-DR-AR-1002-S2 REV 02	10 November 2020
STO-ARC-ZZ-P3-DR-AR-1003-S2 REV 02	10 November 2020
STO-ARC-ZZ-P4-DR-AR-1004-S2 REV 02	10 November 2020
STO-ARC-ZZ-RF-DR-AR-1005-S2 REV 02	10 November 2020
STO-ARC-SW-XX-DR-HE-0005 Revision 02	4 December 2020

#### Phasing

03 The development shall be carried out in accordance with the phasing plan [Ref STO-ARC- SW-XX-SK-AR-9003-S2 Rev 1] unless otherwise subsequently updated and first approved in writing by the Local Planning Authority.

#### Unexpected Land Contamination

04 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

#### Construction Environment Management Plan (CEMP)

05 The development shall be carried out in accordance with the submitted Construction Environment Management Plan (CEMP) (reference: Land north of Wynyard Business Park, ISG, Rev 02 – 04/2021).

#### Phase 1 LEMP

06 The approved Landscape and Ecological Management Plan (LEMP) (Ref LF-20-07, April 2021) for the Phase 1 area shall be fully implemented and adhered to throughout the construction period relating to that phase of the development, unless otherwise agreed, in writing, by the Local Planning Authority.

#### Phase 2 LEMP

07 Notwithstanding the submitted information, no development shall take place on the phase 2 area of the development until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority relevant to that area. The approved LEMP shall be adhered to throughout the construction period relating to that element of the development and shall provide details how the protected or otherwise notable species and habitats on site will be protected throughout the construction works. The LEMP and mitigation measures shall be fully implemented and adhered to as approved, unless otherwise agreed, in writing, by the Local Planning Authority.

#### Working Hours

08 External works in connection with the construction of the development shall be carried out only between 0700 hours and 2100 hours on Mondays to Fridays, only between 0800 hours and 1700 hours on Saturdays and there should be no audible intrusive works at any time on Sundays, Bank Holidays or Public Holidays.

Deliveries should be undertaken between 0800 hours and 1800 hours Monday to Saturday where reasonably possible.

#### Noise Disturbance from New Plant

09 Noise levels will not exceed 55 dB LAeq(1 hr) during the daytime (07:00 – 23:00); or 45 dB LAeq(1 hr) during the night-time (23:00 – 07:00); or 60 dB L<sub>Amax</sub>(15 mins) during the night-time (23:00 – 07:00) as determined by measurement or calculation at free field locations representing facades of nearby residential dwellings.

#### Tree Protection

10 The approved Tree Protection Measures (Ref: FPCR, Arboricultural Method Statement Rev 2, February 2021) shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

#### Landscaping

11 Prior to occupation a fully detailed scheme for the landscaping of the site

should be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The landscaping scheme shall be

implemented in accordance with the approved details within the first available planting season following the approval of details.

#### Soft Landscape Management and Maintenance

12 Prior to occupation full details of proposed soft landscape management shall be submitted to and approved in writing by the Local Planning Authority.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

#### Implementation of FRA

13 The development shall be carried out in accordance with the submitted flood risk assessment (ref Land North Of Wynyard Business Park Flood Risk and Drainage Risk Assessment October 2020) and the following mitigation measures it details:

- The proposed development shall not be built within flood zone 3 or flood zone 2 as outlined in Section 10.5 of Wynyard Distribution Centre, Volume 1: Environmental Statement (October 2020) Non-Technical Summary December 2020, Section 5.1.1 of Land North Of Wynyard Business Park Flood Risk and Drainage Risk Assessment October 2020

- Finished floor levels shall be set no lower than 34.50 metres above Ordnance Datum (AOD) as outline in Section 2.2.2 of Land North of Wynyard Business Park Addendum to Flood Risk Assessment December 2020.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

### Travel Plan

14 Prior to occupation of the building hereby approved the owner and/or the occupier of the building shall submit a user specific travel plan to the Local Planning Authority for written approval. The user specific travel plan should control the management of the site during

operation from a traffic management and sustainable travel choices perspective. This should also include measures associated with the demand-led bus service for employees.

Evidence of each travel plans implementation over a minimum period of 12 months from first implementation shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Each travel plan shall be in place for the full time the end user occupies either part or all of the buildings hereby approved. The Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

### Cycle Parking

15 No cycle parking facilities shall be provided on the development until a scheme for the provision of cycle parking facilities has been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall include :

- secure cycle parking provision for visitors
- secure and weatherproof cycle parking provision for staff
- secure motor cycle parking for staff and visitors. The cycle parking facilities approved shall be provided in accordance with the approved details prior to the building being occupied and be retained thereafter.

### Lighting Phase 1

16 The external lighting within the Phase 1 area shall be implemented in accordance with the external lighting details set out in Appendix 2 of the Wynyard Distribution Centre Supplementary Environmental Statement (December 2020) unless otherwise agreed in writing with the Local Planning Authority.

### Lighting Phase 2

17 No external lighting shall be provided on Phase 2 of the development until details of the number, type, position, design, dimensions and lighting levels of the lighting has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the external lighting at the site shall be implemented in accordance with the external lighting details approved.

### Flood Warning

18 Prior to construction works commencing in the vicinity of the North Burn the contractor must be signed up to the EA flood warning and alerts service and an Emergency Evacuation Plan, is to be submitted to and approved in writing by



the LPA, which will include evacuation routes and cluster points to be used in the event of a significant flood event during construction.

### Piling

19 All piling activities shall be carried out in accordance with (and adherence to any measures as required) the Piling Risk Assessment (ref 7-4.1 KF F2 CFA Work Package Plan, Rev 1) approved as part of this development.

### Drainage

20 The development hereby approved shall not be commenced on site except piling, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- Detailed design of the surface water management system;
- A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- A management plan detailing how surface water runoff from the site will be managed during the construction phase;

### Drainage Management Plan

21 Prior to the building being occupied a Drainage Management Plan (including the SuDs features) shall be submitted to and approved in writing by the Local Planning Authority. The Drainage Management Plan shall include :

- (a) confirmation of who will be responsible for the maintenance of the drainage system
- (b) description of the system and how each element is expected to work
- (c) management objectives for the site
- (d) inspection and maintenance schedules and specification
- (e) confirmation of maintenance access points, easements and outfalls
- f) health and safety guidance for maintainers of drainage and landscape, and also utility companies.

The drainage scheme including SUDS features shall be managed and maintained in accordance with the Drainage Management Plan as approved.

### Off-site pedestrian and cycle linkages

22 The occupation of the development authorised by this permission shall not begin until:

- a. the local planning authority has approved in writing a full scheme of works for the provision of an improved pedestrian and cycle link between the application site and the A19/A689 junction and Hanzard Drive/Glenarm Road.
- b. the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

#### Materials

23 No development above damp proof course level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### Secondary Access Route

24 The detailed design of the secondary access route and the design of the Glenarm Road / Hanzard Avenue roundabout shall be submitted to and approved in writing by the local planning authority prior to the construction of the road commencing (excluding site clearance and enabling work). Thereafter construction of the road shall be carried out in accordance with the approved details and prior to the building hereby approved being occupied.

#### Operational Management Plan

25 No building hereby approved shall be occupied until an Operational Management Plan for that building has been submitted to and approved in writing by the Local Planning Authority. Each Operational Management Plan shall specify the proposed shift patterns and predicted trip generation for the building giving full consideration to the figures within the Transport Assessment which have been assessed and accepted. All buildings within the site shall operate in accordance with the approved Operational Management Plan. No deviation shall be made from the approved Operational Management Plans, including the shift patterns, without the prior written approval of the Local Planning Authority.

#### Use of Building

26 The development hereby approved shall only be used/occupied for the B8 storage and distribution of the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

#### Scheme for in-culvert mitigations

27 Prior to culverting and realignment of the unnamed tributary of the North Burn, a scheme for in-culvert mitigation in respect to loss of riparian habitat and barriers to fish and eel shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include the following:

- Details of bankside vegetation planting to be reinstated at the culvert entrance and exit;
- Details of resting pools for fish.
- Finalised plans for the culvert.

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements.

Scheme for compensation and enhancement of downstream reach of tributary.

28 Prior to occupation of the development, a scheme for the provision of compensatory habitat and enhanced habitat creation shall be submitted to, and agreed in writing by, the local planning authority. The scheme shall include the following:

- Details of any new and enhanced habitat created
- Geomorphological considerations such as the riparian habitat, connectivity to functional floodplain and no net loss of river units

The scheme shall be implemented in accordance with the approved scheme's timing/phasing arrangements.

Post-construction monitoring and maintenance plan.

29 Prior to occupation of the proposed development, details of the monitoring and maintenance of the compensatory habitat scheme is to be submitted to and approved in writing by, the local planning authority. The post-construction monitoring plan shall include:

- Functional riparian habitat monitoring.
- Geomorphological monitoring

The monitoring and reporting shall be carried out by qualified persons. Thereafter, the development shall be implemented in accordance with the approved scheme and any defects within the monitoring will be rectified as per the maintenance plan.

Energy Statement

30 The development hereby approved, shall be built out in full accordance with the recommendations of the Energy statement and LZC Report Revision 01 dated January 2020.

Foul Disposal

31 Development shall not commence except piling until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Construction Management Plan

32 Each phase of the development shall be implemented in accordance with a correctly referenced, approved Construction Management Plan (CMP), including revision reference and date, measures for that phase of the development.

Service Management Plan

33 No building hereby approved shall be occupied until a servicing management plan for that building has been submitted to and approved in writing by the Local Planning Authority. The servicing management plan shall provide a strategy on how the use of the servicing areas together with the individual access points will be utilised to manage inbound HGV movements to minimise the impact on the local highway. All buildings within the site shall operate in accordance with the servicing management plan approved as part of this condition.

## INFORMATIVE OF REASON FOR PLANNING APPROVAL

### Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

### Informative: Northern Gas Networks

There may be apparatus in the area that may be at risk during construction works and NGN require the promoter of these works to contact NGN directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.

### Informative: NWL

We can inform you that a water main stub crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

### Informative: Code of Practice

All materials re-used or imported to site should follow the CL:AIRE Code of Practice (CoP) and Aggregate quality protocols to include an approved Material Management Plan (MMP). No material other than those classified as inert should be brought onto site and are subject to these protocols. Any materials re-used on site must also be subject to WAC testing. Appropriate PPE for construction personnel and due regard to be taken for the possibility of asbestos on site.

### Informative: Cleveland Fire Brigade

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system

### Informative: Environment Agency

We do note that loss of bankside habitat is proposed to be captured in the net gain measures. It is not our remit to require biodiversity net gains (BNG) from a proposal although we will always support applications that do this. In review of the BNG assessment, we have noted that the assessment states that there would be no loss of river units which is not the case. It does not appear the unnamed tributary has been included in this quantification and within the section "A-2 Site Habitat Creation" no river habitats are proposed, which I appreciate may need to be updated. The quantification of the North Burn of 7.73 units appears to have been based on the assessment in the ES and not on MoRPH.

If adopting this approach and seeking to use the net gain metric to inform compensation, the applicant will need to consider the loss of the unnamed tributary through the metric and understand what needs to be compensated for and show, where possible, net gains can be achieved. This assessment will need to be carried out prior to works to the watercourse to act as a baseline.

For geomorphological monitoring, we recommend that yearly inspections are undertaken for a period of 5 years, with defined actions and responsibilities. It is recommended to include seasonal monitoring, fixed point and after significant rainfall or flooding events.

Informative: LLFA

No works can be undertaken on the ordinary Watercourse until the ongoing Land Drainage Consent application has been determined by the Lead Local Flood Authority.

The CIRIA SuDS Manual states that the maximum water depth for 1 in 100-year event is 1m and the LLFA will not accept any deviation from this standard.

#### HEADS OF TERMS

1. To enter into a Local Employment and Training Agreement.