



# Appeal Decision

Inquiry opened on 21 April 2009  
Site visits made on 12 and 13 May  
2009 and on various other occasions

by **Alan Novitzky** B Arch(Hons) MA(RCA)  
PhD RIBA

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

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Decision date:  
**19 August 2010**

## Appeal Ref: APP/F1040/A/08/2081933

### Land at Etwall Road, junction of A38 and A50, Willington, South Derbyshire DE65 6GW (known as Burnaston Cross)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for part outline and part full planning permission.
- The appeal is made by TNT Post UK Ltd and Burnaston Cross Ltd against South Derbyshire District Council.
- The application Ref 9/2007/1470/MI, is dated 19 December 2007.
- The development proposed is *the provision of up to 114,100 sq m gross external area (GEA) of built floorspace for strategic distribution use falling within Use Class B8, including ancillary Use Class B1(a) offices (not to exceed 10% of GEA). Ancillary car, cycle and lorry parking and loading areas are also provided. Such development will provide for revised ground contours, development platforms, strategic landscape, provision of vehicular as well as pedestrian access and infrastructure for drainage and services. The development will also provide for the potential connection of the site to the national rail network. As a result of this development, appropriate remediation where necessary of those parts of the site previously used for landfill will be undertaken.*  
*The application is submitted in outline with access to be determined. Full planning permission is sought for the provision of the new access and estate road, the remediation scheme, finished ground levels and Phase 1 of the development amounting to 23,496 sq m (GEA) of built accommodation.*

## Decision

1. I dismiss the appeal and refuse planning permission for the proposals set out above.

## Procedural Matters

2. A pre-inquiry meeting was held on 16 February 2009.<sup>1</sup> The Inquiry sat from 21 April to 1 May and from 20 to 23 October 2009. Where drawings refer to matters other than those for which the description of the proposals indicates that full permission is sought, I will regard them as illustrative of one way of carrying out the proposals.
3. An Environmental Statement (ES) was produced with two addenda,<sup>2</sup> dealing with additional matters requested by the Council. Subject to comments within this decision, I am satisfied that the ES, together with its addenda and other

<sup>1</sup> Minutes ID3

<sup>2</sup> CD5.4b, 5.4c, 5.4g and 5.4h

environmental information arising from the Inquiry, meets the requirements of the Environmental Information Act Regulations.

4. Proofs of evidence are included as Inquiry Documents. These are as originally submitted and do not take account of how the evidence may have been affected by questioning or by other aspects of the Inquiry. Opening and closing submissions are also included and have been amended in red to more accurately reflect their delivered content. Typographical errors to Inquiry Documents, where detected, have been corrected in red.

### **Main issues**

5. The main issues are whether the proposals are acceptable in terms of:
  - Landscape and visual impact
  - Effect on the Trent and Mersey Canal Conservation Area
  - Effect on the settings of listed buildings
  - Highways considerations
  - Strategic site selection

### **Reasons**

#### ***Landscape and Visual Impact***

##### *Landscape*

6. The Site falls within Character Area 69: Trent Valley Washlands, in the *Countryside Agency Landscape Character Assessment*,<sup>3</sup> on land rising gently from the Trent and Mersey Canal at Willington towards the Needwood and South Derbyshire Claylands north of the A38/A50 gyratory. The landscape character type within the Washlands is described in *The Landscape Character of Derbyshire* as Lowland Village Farmlands.<sup>4</sup>
7. These documents refer to a nucleated settlement pattern within a very subdued, gently rolling, somewhat fragmented, lowland landscape, intermixed with urban development. They describe much of the character as seriously affected by modern large scale development with large power stations and pylons dominating views across the landscape and modern roads passing through it.
8. The setting of the Site is influenced by the very busy A38 which bounds it to the west, the gyratory and associated development to the north, and the Derby to Stoke railway line to the south. The cooling towers of Willington Power Station are a major feature to the east, and electricity pylons cross the landscape. However, Willington is fairly well contained, the Canal acting as a reasonably effective barrier to the spread of development to the north.
9. The Site, together with land to the south, forms a break between Willington and development associated with the gyratory system, including the Toyota factory and the service area. The topography enhances its effectiveness, the land rising from the settlement to round off north of Hill Farm which lies

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<sup>3</sup> A2.2, Appendix 6

<sup>4</sup> CD3.15, pages 157-164; A2.2, Appendix 7

alongside the Site. Viewed from areas south of the Site little of the development to the north is seen. Therefore, the separation is visually as well as physically effective.

10. The proposed development would consume most of the separating zone, despite the landscaped buffer south of the railway, establishing near continuity of development north of Willington. Although harmful features exist, the landscape character of the area would suffer under the proposals with the erosion of the nucleated character of Willington. The proposals would conflict with one of the primary aims of managing development and landscape change in Lowland Village Farmlands set out in *The Landscape Character of Derbyshire*,<sup>5</sup> of conservation of the settlement pattern.
11. The Environmental Statement (ES) points to landscape receptors likely to be affected by the proposal.<sup>6</sup> Of these, hedgerows as field boundaries, and trees as standards in hedgerows, are ranked as of high sensitivity with medium adverse impact during construction. Some internal and boundary hedgerows, particularly that west of Etwall Road, and four field trees would be lost. However, scope exists for new planting and improvement of diversity in existing hedgerows in mitigation, which I regard as adequate.
12. Lowland agricultural grazing is ranked as of medium sensitivity in the ES, with large adverse impact and no scope for mitigation. The Site was used for gravel extraction but has since been restored to agricultural use and, in accordance with the definition in Planning Policy Statement 3 (PPS3),<sup>7</sup> should no longer be regarded as previously-developed land. The impact on grazing is integral to the nature of the proposals for mainly B8 Use Class development on a greenfield site in the open countryside. A policy presumption exists against such development, especially where it could be accommodated on allocated employment land.

#### *Visual*

13. At present, views towards the site from the northern fringes of Willington, including those from Etwall Road Bridge, from the tow path of the Canal, and from Castle Way Bridge, scarcely take in the existing development to the north, except for light spillage from the road system at night. This is largely because of the land form described above,<sup>8</sup> but also the considerable extent of structural landscaping acting as a visual buffer around the Toyota factory. Although some distance away, the proposed buildings, some 18 metres high compared to the 12 metres of the Toyota buildings, and with a much narrower zone of structural landscaping, would introduce a significant new visual impact.
14. The impact would increase moving northwards along Etwall Road. Views from Etwall Road alongside the site, and from Hill Farm, would be dominated by the new buildings, despite the landscape screening proposed. Within the gyratory system and the service area, the visual impact of the proposed buildings would be subsumed by the overwhelming physical presence of the road structure and the uncoordinated clutter of road furniture and undistinguished buildings.

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<sup>5</sup> CD3.15, page 215

<sup>6</sup> CD5.4b, Section 9.5

<sup>7</sup> PPS3, Annex B

<sup>8</sup> Paragraph 8

15. The proposed buildings would have a major visual impact on Danes Lodge and the Bungalow, mitigated to some extent by landscape screening. However, these buildings are already overwhelmed by the presence of roads, and the increase in visual disturbance would be proportionately small. Views from the A38 through a narrow zone of visual screening, would also be harmed.
16. The footpath which runs across the site would require rerouting. The opportunity exists to direct it through perimeter structural landscaping, mitigating the effects on views. However, the impact on the character of views from the footpath would be profound, changing from one of openness to enclosure with foliage and users would be constantly aware of the looming presence of the buildings.
17. Turning to more distant views, long views from the north are not generally available, because of the form of the topography and intervening foliage masking the site. From the east, including the Marina and Stenson Bridge crossing the A50, glimpses might be possible but the impact on views would be slight. From the west, material views are unlikely because of the masking effects of land form and vegetation.
18. Long, panoramic views exist from the elevated sandstone plateau to the south, beyond the River Trent. Viewpoints include those from footpaths at Askew Hill and Bladon Castle, from Newton Lane, and from Winshill housing estate. They look down on the Toyota factory, revealing an area of light coloured roofs, particularly evident in the clear sunny conditions of the site visit, which would be significantly extended by the proposed development. This would be moderately harmful, in my view, and the presence of the power station cooling towers would not make the harm any more acceptable.
19. Despite the Site having no protective designation, the landscape and visual effects of the proposals would be unacceptably harmful overall. There would be conflict with *South Derbyshire Local Plan* (LP) Policy EV1 (Development in the Countryside) and LP Policy E6 (Large Firms) through environmental harm. The proposals would also conflict with *East Midlands Regional Plan* (RSS) Policy 26 (Protecting and Enhancing the Region's Natural and Cultural Heritage).

### ***Trent and Mersey Canal Conservation Area***

20. The Canal, one of the oldest in England, is an important piece of early engineering. Its character varies along its considerable length. Unfortunately, the two bridges in the vicinity of the site, at Etwall Road and Castle Way, are relatively recent, designed to take modern road traffic, displacing the delightful, modestly crafted, arched brick structures associated with early canal architecture. Moreover, the Canal does not exert a strong presence in the vicinity of the site.
21. However, from the tow path, the quiet ribbon of water, bright characterful craft, leisurely activity, and occasional wildlife give rise to a strong ambience. In pace and nature, it comprises a world very different from that of the modern roads, industrial buildings, and housing estates which abut the Canal, despite the noise and disturbance of nearby highway and rail traffic. The *Conservation Area Designation*<sup>9</sup> sets out a zone of visual influence which includes part of the

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<sup>9</sup> CD3.14

site. Moreover, the draft *Character Statement*<sup>10</sup> notes that the character of the Conservation Area takes in views of the wider countryside and settlements both along its length and viewed from its many bridges.

22. The principal views associated with the Conservation Area appear in the *Verified Photomontages*.<sup>11</sup> From Etwall Road Bridge (View 2), the proposed buildings would be glimpsed, especially as the sun catches the light coloured roofs on bright days. Although there is a certain sense of dislocation from the Canal in this view, one has only to glance eastwards to see an active part of the Canal, with broadened tow path and a surrounding pattern of development influenced by the history of the Canal. The consequent effect on the character of the Conservation Area would be materially harmful. A similar but less harmful effect, because the sense of dislocation from the Canal is more complete, would be associated with the view from Castle Way Bridge (View 4).
23. The montage taken between the bridges (View 3) shows a view which would be experienced from well within the ambience of the Conservation Area along some length of the Canal and tow path. It would, therefore, exercise greater influence on the character of the Conservation Area than would the views from the bridges. Despite some screening from foliage, the buildings would be seen, even on sunless days, as extremely large with a very dominant horizontal emphasis. This would be out of character with the remainder of the local setting, displacing an open, informal landscape of relatively small scale agricultural buildings, fields, hedges and trees.
24. Overall, I find the proposals would not preserve, but would have a harmful effect on the character of the Conservation Area, through its influence on views from the Area. They would, therefore, conflict with LP Policy EV12 (Conservation Areas).

### **Listed Buildings**

25. The two relevant buildings are the Green Man public house and Hill Farm, both Grade II listed. The Green Man lies within Willington's built up area, well south of the Canal. Its setting is locally focussed and would not be affected by the proposals.
26. Hill Farm dates from the 18<sup>th</sup> and 19<sup>th</sup> centuries, comprising a three storey main building in red brick with stone dressings and slate roof, set at the south western corner of a complex of lower buildings arranged around a courtyard. The principal elevation of the main building faces south. The complex has been converted to residential use in a manner which preserves its special interest and, when mature, the dense screen planting and the earth banking will protect the setting of the listed building from the service area to the north .
27. The curtilage of Hill Farm abuts Etwall Road, which lies on the eastern boundary of the Site. The broad formal entrance drive runs directly off Etwall Road to arrive, in an axial manner, at the gathering area in front of the main building's principal elevation. It comprises a mature avenue of deciduous trees which were probably present at listing in 1986. In my view, the avenue is an important element of interest in the curtilage of the listed building.

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<sup>10</sup> CD3.11, page 10

<sup>11</sup> A2.4

28. Moving down the avenue towards the road, one can see outwards into an open landscape, the view being channelled by the flanking trees. Just as views from the south-facing principal elevation of the main building are significant in defining the setting of the listed building, so are those from the avenue.
29. The proposals would place a very large building, over 16 metres to its eaves above the road level, and well over 19 metres to its ridge, close to Etwall Road, directly facing the avenue. The effect can be seen in View 1 of the *Verified Photomontages*. A landscape buffer would be installed, with evergreen trees which are anticipated to grow some 8 to 10 metres high, 15 years after planting. However, the visual obstruction caused by the proposed development would have a significantly harmful effect on the setting of the listed building.
30. The proposals would therefore not preserve the setting of the listed building. It would conflict with LP Policy EV13 (Listed or Other Buildings of Architectural or Historic Importance).

### ***Highways Considerations***

31. Circular 02/2007 makes clear that where the overall forecast traffic demand of a proposal on the strategic road network (SRN) throughout the review period does not exceed the operating capacity, developments will normally be allowed to go ahead without the need for improvements to the network. Where extra capacity is needed, improvements may be agreed and will normally be provided at the expense of the developer.
32. Much time has been spent during the Inquiry awaiting the outcome of deliberations between the Appellant and the Highways Agency over the extent of traffic demand arising from the proposals and how it might be mitigated. With adequate preparatory work, this could have been avoided. Provided intensification of highways use does not take place through developments such as the final delivery of mail from the Site to destination addresses, a matter which could be controlled by condition, it is now agreed that the highways impact of the proposals on the SRN could be successfully mitigated. This would be through one of two alternative schemes, broadly involving signalisation and the minor reconfiguration of road geometry.
33. There is, therefore, no obstacle on operational highways grounds to the implementation of the proposals which, accordingly, satisfy LP Policy T6 (New Development). The Highways Agency maintains an objection on policy grounds. They say that the SRN is a precious resource with limited capacity which should not be utilised unnecessarily or taken up by unsustainable or otherwise inappropriate development. They call for an assessment of whether other available sites better satisfy RSS Policy 3 (Distribution of New Development) whilst complying with RSS Policy 21 (Strategic Distribution). This matter is covered below, in the final main issue

### ***Strategic Site Selection***

34. RSS Policy 21 is key to directing the location of sites for strategic distribution. It is written as a forward planning policy but the Council acknowledges, and I agree, that it could also be used for development control purposes. This is because beneficial proposals might otherwise experience unacceptable delay awaiting the outcome of the LDF process. However, the aims of joint working

and the optimisation of location run throughout the policy and its explanatory paragraphs.

35. They are underlined by RSS Policy 55 (Implementation of the Regional Freight Strategy), one of whose key priorities is the identification of new strategic distribution sites in line with Policy 21. Since the Inquiry opened, the *East Midlands Strategic Site Identification Study – Implementation of RSS Policy 21*,<sup>12</sup> has been launched under the aegis of the East Midlands Development Agency (EMDA) to prioritise sites in accordance with RSS policy within the Three Cities Sub-Area.
36. Relatively few strategic distribution centres will be developed, their impact on the SRN could be profound, and the placing of centres in suboptimal locations would be harmful and inefficient. Consideration of the proposals, therefore, demands as full a comparative assessment as possible, absent the report of the EMDA or a similar study.
37. I consider first whether the proposals meet the criteria of Policy 21 in terms of development control objectives. The proposals lie within the Derby Housing Market Area (HMA), one of the broad locations preferred. The site could provide good rail access, and has good access to the highway network. It is amenable to a suitable configuration which allows large scale high bay warehousing, inter-modal terminal facilities, appropriate railway wagon reception facilities, and parking for goods vehicles. Demand for such facilities exists from the logistics industry, the location allows 24 hour operations, and is not near to sensitive nature conservation sites.
38. However, as explored above, there would be significant environmental impact overall in terms of harm to landscape character, views, and heritage assets. Moreover, unemployment in Willington is very low and access to the Site by sustainable modes of transport is poor. For employees, sustainable access would depend critically on the operation of measures within the s106 Agreement regarding the enhanced use of public transport, and there is no guarantee that these would be satisfactorily taken up.
39. Viewed from a development control perspective, therefore, the proposals conflict to a significant extent with criteria in RSS Policy 21. The proposals also conflict with RSS Policy 3 in that the site is in the open countryside away from the region's five Principal Urban areas (PUAs); the three growth towns; and the Sub-Regional Centres (SRCs) where appropriate development of a lesser scale might be located. The Site's location falls into the fourth category of other settlements and rural areas, but fails to satisfy the attached criteria.
40. PPG13 advises that developments generating substantial freight movements such as distribution and warehousing should be located away from congested central and residential areas. The aim is to avoid highways difficulties and material harm to residential amenity. However, there may well be sites strategically positioned in relation to the SRN, located sustainably on the edge of urban centres with access to a labour market well served by public transport, where these issues do not arise or could be adequately mitigated. At the same time, the harmful impact on the rural environment and heritage

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<sup>12</sup> HA1.3

- assets arising from the present proposals could be avoided. This point gives weight to the argument in favour of comparative analysis.
41. In addition, the proposals conflict with LP Policy E2 (Main Locations for New Industrial and Business Development) since the site falls outside the areas identified. They also conflict with LP Policy E6 (Large Firms), because it has not been shown that accommodation on land allocated for employment purposes lacks feasibility, and because the proposals are unacceptable on environmental grounds.
  42. Alternative locations are compared in the ES.<sup>13</sup> The study focuses on sites within the South Derbyshire area, as close substitutes for Burnaston Cross, even though RSS Policy 21 applies to a much wider area. The three sites identified, besides Burnaston Cross, are the Hilton Depot, Dove Valley, and Drakelow Power Station.
  43. Mr Jackson, the Appellants' commercial surveying witness, presented a survey of a wider range of sites, focussing on the Derby HMA.<sup>14</sup> The East Midlands Distribution Centre (EMDC) is included as potentially suitable, but dismissed as being outside the Derby HMA and the TNT search area.
  44. The analyses are flawed for several reasons. The choice of sites and their assessment is based on the particular but undefined requirements of TNT, rather than on general planning criteria, as they would be in an independent study. An example is the TNT requirement for prominence, the lack of which leads in part to both the Hilton Depot and the EMDC sites being dismissed. Prominence would not appear as a general planning requirement both for aesthetic reasons and because it is unlikely that navigation would pose a problem to professional drivers.
  45. Moreover, the reasons for limiting the area of search are not explained. It is not at all clear why Mr Jackson's analysis champions Burnaston Cross as the ideal location. He asserts that other sites would incur additional costs of some £1/vehicle/mile distant from the Site, whilst admitting the existence of a fallback site many miles away at Cannock in the West Midlands. In addition, environmental harm to landscape, views, or heritage assets is not assessed.
  46. Little emphasis is placed in Mr Jackson's analysis on the conformity of sites with the development plan. For instance, the Hilton Depot and the EMDC comprise allocated employment land, unlike the Burnaston Cross Site which is in the open countryside and has been restored to agricultural use following mineral extraction. The analysis indicates that the labour catchment area of both sites is smaller than that of the Burnaston Cross Site. However, both are adjacent to sizable settlements, and the availability and suitability of labour within the various catchment areas is unclear. Moreover, a rail connection could become a real possibility for both these sites should it be sought, as it has for the Burnaston Cross Site.
  47. The presence of residential development in the vicinity of the Hilton Depot, and its possibility near the EMDC site, is regarded in the Appellants' analysis as counting seriously against their suitability. However, the planning implications

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<sup>13</sup> CD5.4b, Chapter 5 and Technical Appendix 11

<sup>14</sup> A3.1 and A3.2



of the two uses are clear, and the configuration of the housing, with measures in place at Hilton and certainly likely at the EMDC site, such as acoustic barriers, protective planting, appropriate orientation, and so on could adequately mitigate harm to residents' living conditions.

48. In my view, the comparisons of alternative sites put forward by the Appellant are inadequate.

### **Overall Conclusions**

49. Overall, the proposals do not accord with the development plan. Although the harmful effects of noise and lighting arising from the proposals could be adequately controlled, the harm identified to landscape, views and heritage assets is sufficient to lead to dismissal of the proposals. The inadequacy of comparisons with other sites adds weight to this conclusion. I have considered the suggested conditions and the s106 Agreement but find that they do not satisfactorily mitigate the critical harm. I dismiss the appeal.

### **Revocation of the RSS**

50. Since the Inquiry closed, the Secretary of State has revoked regional spatial strategies. The parties were consulted on this change and their responses are noted. Revocation of the RSS does not diminish the harm and conflict with the development plan identified in relation to landscape, views and heritage assets. In addition, conflict remains with LP Policies E2 (Main Locations for New Industrial and Business Development) and E6 (Large Firms). Need for the development does not outweigh the harm identified. My overall conclusions remain.

**Alan Novitzky**

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY

Mr Hugh Richards of Counsel      Instructed by Marrons Solicitors, 1 Meridian South,  
Meridian Business Park, Leicester LE19 1WY

He called:

Richard Groves                      Planning Policy Officer with the Council  
BA(Hons), MRTPI

Marilyn Hallard DipTP,          Design and Conservation Officer with the Council  
Dip Arch Cons, IHBC

Peter Wood                          Landscape Architect and Arboriculturalist with the  
BSc(Hons), Dip LA,              Council  
CMLI

Timothy Richard                  Area Planning Officer with the Council  
Denig Dip URP,  
MRTPI

### FOR THE APPELLANT

Mr Martin Kingston QC          Instructed by Iain Painting, Barton Willmore  
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He called:

Iain Painting                        Planning witness  
BSc(Hons), Dip TP,  
MRTPI

Leslie A Jackson                 Commercial Surveying witness  
FRICS

Matthew D Chard                 Landscape witness  
BA(Hons), Dip Hons,  
MAUD, MLI

Nigel E Pollard I Eng,          Lighting witness  
FILE, MSLI

Andrew N Brown                 Heritage and conservation witness  
BA, B Arch, MSc,  
MRTPI, RIBA, IHBC

Douglas F Sharps                Acoustics witness  
CEng, FIMechE, FIOA

David A Tucker MSc,          Transport witness  
CEng, MICE, MIHT

Henry Maxwell                  Railway Engineering witness

RULE 6 PARTY: Wilson Bowden

Mr Ian Dove QC    Instructed by Pegasus Planning, 5 The Priory, Old London Road, Canwell, Sutton Coldfield B75 5SH

He called:

Anthony C Bateman    Planning witness  
BA(Hons)TP, MRICS,  
MRTPI, MCMl

Jonathan S Golby    Landscape and Visual witness  
BA(Hons) DIPLA MA  
CMLl

RULE 6 PARTY: The Highways Agency

Mr Peter Goatley of Counsel                              Instructed by the Highways Agency

He called:

David Nock HNC    Network Strategy Manager for the HA

David Bennett BEng,                                        Transportation Planning witness  
CEng, MICE

RULE 6 PARTY: Madecorn Leisure LLP

Neil Boughey BSc (Hons),                                Witness  
DipTP, LLB, MRTPI

British Waterways

Ms Jenny Wigley of Counsel                              Instructed by British Waterways, The Kiln, Mather Road, Newark, Notts NG24 1FB

She called:

Helen Louise Edwards                                      Planning witness  
BA(Hons), BPlng,  
MRTPI

Peter Roberts     Hydrology witness  
BSC(Hons), MSc, PhD

INTERESTED PERSONS:

John Orme  
Joseph Rise  
Geoffrey Evens

**DOCUMENTS**

\* Not supplied in hard copy form  
 \*\* Contained in the main file

***REGIONAL AND NATIONAL PLANNING POLICY, GUIDANCE, APPEAL DECISIONS, AND TECHNICAL DOCUMENTS***

CD1.1	RSS8 – Regional Spatial Strategy for the East Midlands	Mar 2009
CD1.1a	Schedule of Further Changes to the East Midlands Regional Plan	Mar 2009
CD1.1b	Extract from Proposed Changes to RSS8	July 2008
CD1.2*	PPG13: Transport	April 2001
CD1.3*	PPG15: Planning and the Historic Environment	Sept 1994
CD1.4*	Circular 11/95 Conditions	1995
CD1.5*	Circular 05/05 Planning Obligations	2005
CD1.6*	Planning Obligations: Practice Guidance	2006
CD1.7	Employment Land Reviews – Guidance Note	2004
CD1.8a	East Midlands Land Provision Study Final Report	Dec 2006
CD1.8b	Additional Figures	
CD1.9	East Midlands Strategic Distribution Study	Nov 2006
CD1.10	Quality of Employment Land Study – Final Report	July 2002
CD1.11	Regional Employment Land Priorities Study – Final Report	June 2003
CD1.12	The State of Freight in the East Midlands – Report 1: State of Freight Picture	Oct 2002
CD1.13	The State of Freight in the East Midlands – Report 2: Strategy	Aug 2002
CD1.14	Strategic Rail Freight Interchange Policy	Mar 2004
CD1.15	Status of the SRA Strategic Rail Freight Interchange Policy	Oct 2005
CD1.16	East Midlands Regional Freight Strategy	July 2005
CD1.17	Delivering a Sustainable Railway	July 2007
CD1.18	Regional Economic Strategy for the East Midlands 2006-2020	July 2006
CD1.19	Hill Farm Statutory List Description	Oct 1986
CD1.20	Building a Greener Future: Policy Statement	July 2007
CD1.21	Report, ref: APP/F1040/A/06/2027908, etc., Inspector’s Conclusions and SoS Decision	Jan 2009
CD1.21a	Extract from Report	
CD1.21b	Further extract from Report	

CD1.22	Network Rail Company Standard NR/L2/TRK/2049 Track Design Handbook	June 2008
CD1.23*	PPS1: Delivering Sustainable Development	Jan 2005
CD1.24*	Supplement to PPS1: Planning and Climate Change	Dec 2007
CD1.25*	PPG4: Industrial and Commercial Development and Small Firms	Nov 1992
CD1.26*	Draft PPS4: Planning for Sustainable Economic Development	May 2009
CD1.26a*	Revised Draft PPS4	May 2009
CD1.27*	PPS7: Sustainable Development in Rural Areas	Aug 2004
CD1.28	DfT Circular 02/2007: Planning and the Strategic Road Network	Mar 2007
CD1.29	DfT Guidance on Transport Assessment	Mar 2007
CD1.30	A New Deal for Transport: Better for Everyone	1998
CD1.31*	Sustainable Distribution Strategy	1999
CD1.32*	Transport 2000: The Ten Year Plan	2000
CD1.33*	The Future for Rail	2004
CD1.34*	The Future of Transport: A Network for 2030	2004
CD1.35*	Eddington Transport Study	2006
CD1.36	Design Manual for Roads and Bridges	Various
CD1.37	TRRL Laboratory Report 942 – The Traffic Capacity of Roundabouts	1980
CD1.38	TRRL Research Report 67 – The Prediction of Saturation Flows for Road Junctions Controlled by Traffic Signals	1986
CD1.39*	Towards a Sustainable Transport System	2007
CD1.40*	Delivering a Sustainable Transport System	2008
CD1.41	PPS11, Chapter 1	Sept 2004
CD1.42	Circular 1/09: Public Rights of Way	Mar 2009
CD1.43*	Good Practice Guidance – Delivering Travel Plans through the Planning Process	April 2009

**TRANSPORT POLICY AND GUIDANCE**

CD2.1	Freight Quality Partnership Strategy – Derbyshire County Council, Derby City Council	2003
CD2.2	Derby Joint Local Transport Council 2006-11 – Derbys CC, Derby CC	Mar 2006

**LOCAL PLANNING POLICY DOCUMENTS, GUIDANCE, COUNCIL STRATEGIES AND TECHNICAL DOCUMENTS**

CD3.1	Adopted South Derbyshire Local Plan, May 1998	May 1998
CD3.2	SoS's letter on the Retention of Local Plan Policies	Sept 2007
CD3.3	Annual Monitoring Report, December 2008	Dec 2008
CD3.4	Derby Housing Market Area Employment Land Review, March 2008	Mar 2008
CD3.5	South Derbyshire DC Employment Land Review – Final Report	Jan 2007
CD3.6	City of Derby Local Plan Review, adopted January 2006	Jan 2006
CD3.7	Unused	
CD3.8	South Derbyshire Local Development Framework Core Strategy – Issues and Ideas Consultation Document	Jan 2009
CD3.9	A Strategy for Growth and Change, North West Leicestershire Local Development Framework – Core Strategy Further Consultation	Nov 2008
CD3.10	Woodville to Swadlincote Town Centre Area Action Plan – Issues and Options Consultation	Feb 2007
CD3.11	Trent and Mersey Canal Conservation Area Draft Character Statement	2008
CD3.12	South Derbyshire Economic Development Strategy 2008-12	2008
CD3.13*	Guidelines for Landscape and Visual Impact Assessment, second edition	
CD3.14	Trent and Mersey Canal Conservation Area Designation	May 1994
CD3.15	The Landscape Character of Derbyshire	Dec 2003
CD3.16a	Leicester and Leicestershire Housing Market Area Employment Land Study, final report	Oct 2008
CD3.16b	Leicester and Leicestershire Housing Market Area Employment Land Study, draft report	Sept 2008
CD3.17	North West Leicestershire Local Development Framework Core Strategy – Additional Consultation	June 2007
CD3.18	Local development Scheme, March 2007-10	Mar 2007
CD3.19	DC Report on Mercia Marina	Oct 2007
CD3.19a	Minutes of DC Committee Meeting	Oct 2007

**OTHER DOCUMENTS**

CD4.1*	South Derbyshire Local Plan – first deposit draft	2002
CD4.2	South Derbyshire Local Plan – revised deposit draft	Jan 2003
CD4.3	South Derbyshire Local Plan – proposed modifications	Jan 2005
CD4.4	South Derbyshire DC Planning Policy Position Statement	Dec 2006
CD4.5	South Derbyshire DC Supplementary Planning Guidance: Industrial and Office Design and Layout	Sept 2004
CD4.6a	Derby and Derbyshire Joint Structure Plan, January 2001, Adopted Written Statement	Jan 2001
CD4.6b	Derby and Derbyshire Joint Structure Plan, January 2001, Explanatory Memorandum	Jan 2001
CD4.7	Secretary of State’s letter on the Retention of Structure Plan Policies, September 2007	Sept 2007
CD4.8*	RSS8, Revised Draft, East Midlands Regional Plan (2 part)	Sept 2006
CD4.9*	RSS8, Revised Draft, East Midlands Regional Plan, Panel report	Nov 2007
CD4.10	Secretary of State Proposed Changes to the East Midlands Regional Plan	July 2008
CD4.11	South Derbyshire Local Plan, revised deposit draft – Inspector’s Report	Jan 2004
CD4.12	Unemployment Figures Table	Mar 2009
CD4.13a	Draft South Derbyshire DC Committee Report on N W Leics Core Strategy	Jan 2009
CD4.13b	South Derbyshire DC Minutes of Committee	Oct 2009
CD4.13c	Covering Letter to N W Leics	
CD4.13d	Final South Derbyshire DC Report on N W Leics Core Strategy	

**PLANNING APPLICATION DOCUMENTS**

CD5.1**	Application Form	Dec 2007
CD5.2**	Covering Letter	Dec 2007
CD5.3	Site Plan, ref: 14268/A0/1000	Dec 2007
CD5.4a**	Design and Access Statement	
CD5.4b	Environmental Statement including Technical Appendices Volumes 1 and 2	
CD5.4c	Environmental Statement Technical Appendix ES4(1)	

CD5.4d	Description of Development and Application Parameters	
CD5.4e	Planning Statement	
CD5.4f	Utilities Statement	
CD5.4g	Addendum to the Environmental Statement	
CD5.4h	Second Addendum to the Environmental Statement	
CD5.5	Drawing Submissions	April 2009
CD5.5a	RPS Drawing SK1008	April 2009
CD5.5b	RPS Drawing 1008 rev E	Mar 2009
CD5.6	Responses to the Second Addendum Environmental Statement	April 2009

**PLANNING APPEAL DOCUMENTATION**

CD6.1**	Appeal Form	July 2008
CD6.2**	Covering Letter	July 2008
CD6.3**	Grounds of Appeal	July 2008

**AGREED STATEMENTS**

CD7.1	Statement of Common Ground	Mar 2009
CD7.2	Highways Agency/David Tucker Associates Agreed Position Statement	Sept 2009
CD7.3	Agreed Site Visit Itinerary	May 2009

**APPELLANT'S DOCUMENTATION**

CD8.1**	Rule 6 Statement	Sept 2008
CD8.2	Opening Statement	April 2009
CD8.3	Closing Submissions	Oct 2009
CD8.4	Laura C and Others v LB Camden, SETR and Barratt Homes [2001] EWHC Admin 1116	Oct 2009
CD8.5	Derbyshire Dales DC and Peak District NPA v SCLG and Carsington Wind Energy Ltd [2009] EWHC Admin 1729	Oct 2009



***SOUTH DERBYSHIRE DC DOCUMENTATION***

CD9.1	Committee Report, Application 9/2007/1470/MI	Sept 2008
CD9.2	Committee Minutes	Sept 2008
CD9.3a	Draft Conditions	Sept 2009
CD9.3b	Draft Highways Conditions	Oct 2009
CD9.4a	S106 Unilateral Undertaking (Draft)	Oct 2009
CD9.4b	Completed s106 Agreement	Oct 2009
CD9.5**	Rule 6 Statement	Sept 2008
CD9.6	Opening Statement	April 2009
CD9.7	Closing Submissions	Oct 2009
CD9.8	Council's Legal Submissions regarding Alternative Sites	Oct 2009

***RULE 6 PARTIES' DOCUMENTATION***

CD10.1**	Highways Agency Rule 6 Statement	Oct 2008
CD10.2	Highways Agency Opening Statement	April 2009
CD10.3	Highways Agency Closing Submissions	Oct 2009
CD11.1**	Severn Trent Rule 6 Statement	Oct 2008
CD11.2	Severn Trent Written Statement	April 2009
CD11.3	Severn Trent Appendices	April 2009
CD12.1**	Madecorn Leisure LLP Rule 6 Statement	Oct 2008
CD12.2	Madecorn Leisure Opening Statement	April 2009
CD13.1**	Wilson Bowden Rule 6 Statement	Oct 2008
CD13.2	Wilson Bowden Opening Statement	April 2009
CD13.3	Wilson Bowden Closing Submissions	Oct 2009

***COUNCIL'S EVIDENCE***

C1.1	Richard Groves' Proof of Evidence and Summary	Mar 2009
C1.2	Richard Groves' Appendices	Mar 2009
C2.1	Marilyn Hallard's Proof of Evidence and Summary	Mar 2009
C2.2	Marilyn Hallard's Appendices	Mar 2009
C3.1	Peter Wood's Proof of Evidence and Summary	Mar 2009

C3.2	Peter Wood's Appendices	Mar 2009
C4.1	Tim Dening's Proof of Evidence	Mar 2009
C4.2	Tim Dening's Appendices	Mar 2009
C4.3	Pylon Height Plan	April 2009
C5.1	John Mills' Statement	

**APPELLANT'S EVIDENCE**

A1.1	Andrew Brown's Summary Proof of Evidence	Mar 2009
A1.2	Andrew Brown's	Mar 2009
A1.3	Andrew Brown's Appendices	Mar 2009
A2.1	Matthew Chard's Proof of Evidence	Mar 2009
A2.2	Matthew Chard's Appendices inc. Replacement Appendices MDC5 and MDC6	April 2009
A2.2(18)	Sections F-F, G-G and H-H	April 2009
A2.3	Matthew Chard's Summary	Mar 2009
A2.4	Verified Photomontages	
A3.1	Leslie Jackson's Proof of Evidence	Mar 2009
A3.1a	Ditto with metric measurements	
A3.2	Andrew Jackson's Appendices	April 2009
A3.3	Letter from Next	Mar 2006
A3.4	Roger Tym and Partners' Note on Estimated Employment and Labour Market Catchment	May 2009
A4.1	Iain Painting's Proof of Evidence	Mar 2009
A4.2	Iain Painting's Summary	Mar 2009
A4.3	Iain Painting's Appendices	Mar 2009
A4.4	Letter dated 9.4.09 and enclosures	April 2009
A4.5	Site and Floor Levels	April 2009
A4.6	NRS Letter dated 20.4.09	April 2009
A4.7	Trilogie Letter dated 16.4.09	April 2009
A4.8	Trilogie Letter dated 20.4.09	April 2009
A4.9	Bundle of Letters re: TNT, dated 25.7.07, 25.10.07, 20.11.07, 28.11.07	
A4.10	Extract from Inspector's report, APP/F1040/A/06/2027908	Jan 2009
A4.11	E-mail to Geoffrey Evens, 27 April 2009	April 2009

A4.12	SM30A Map of Potential Gravel Extraction, Willington Area	
A4.13	Letter dated 2.4.09 from RWE Npower re: Willington Power Station site	April 2009
A4.14	Letter dated 3.4.09 from RWE Npower re: Willington Power Station site	April 2009
A4.15	Barton Willmore letter dated 11.5.09 to David Nock	May 2009
A4.16	Barton Willmore Note on the Location of Phase I	
A4.17	Barton Willmore letter dated 11.5.09 to Mr G Evens (Plans MDC 12, 13, 14)	May 2009
A4.18	Solicitor's Letter dated 12.5.09 to Mr Erik Pegano	May 2009
A4.19	Letter dated 14.5.09 from TNT to Iain Painting	May 2009
A4.20	Letter from Trilogie dated 20.5.09 to Eric Pegano	May 2009
A4.21	Letter from Barton Willmore dated 11.9.09 to PINS re: land ownership in the vicinity of the Toyota access	Sept 2009
A4.22	Barton Willmore response to Document HA1.3	Oct 2009
A4.23a	Consultation Responses to NWLDC Core Strategy Consultation – EMDA	April 2009
A4.23b	Consultation Responses to NWLDC Core Strategy Consultation – GO-EM	Mar 2009
A4.23c	Consultation Responses to NWLDC Core Strategy Consultation	Mar 2009
A4.24	Road/Rail Cost Comparison Note	
A4.25	TNT letter dated 20.10.09	Oct 2009
A4.26	Summary of the Postal Market	Oct 2009
A4.27	Extracts from the Radlett Inquiry Decision, APP/B1930/A/07/2045747	Oct 2009
A4.28	Extract from the London Gateway Decision, Conditions	Oct 2009
A5.1	Nigel Pollard's Proof of Evidence	Mar 2009
A5.2	Nigel Pollard's Summary	Mar 2009
A5.3	Not used	
A6.1	Douglas Sharps' Proof of Evidence	Mar 2009
A6.2	Douglas Sharp's Summary	Mar 2009
A6.3	Douglas Sharps' Appendices	Mar 2009
A6.4	Proposed Noise Conditions	April 2009
A6.5	Extracts from ISO 9613: Attenuation of Sound during Propagation Outdoors – Part 2: General Method of Calculation	1996

A7.1	David Tucker's Proof of Evidence	Mar 2009
A7.2	David Tucker's Appendices	Mar 2009
A7.3	David Tucker's Summary	Mar 2009
A7.4	Responses to the issues relating to progress of discussions on highway matters	April 2009
A7.4a	Response to David Bennett's Supplementary Proof	April 2009
A7.5	DTA Pedestrian Movements survey	April 2009
A7.6	DTA to Geoff Wise (HA), including actions following meeting on 6.5.09	May 2009
A7.7	David Tucker's Rebuttal Supplementary Proof	Sept 2009
A7.8	DTA Note: Strategic Rail Access	Oct 2009
A7.9	DTA Note: Burnaston Interchange Phasing Trigger	Oct 2009
A7.10	DTA Note: Monitoring and Penalty Strategy	Oct 2009
A7.11	DTA Note: Operation of Etwall Road and Impact on Level Crossing	Oct 2009
A7.12	DTA Plans: 8181/23 Rev C-B+ and 8181/24 RevC-C+	Oct 2009
A8.1	Henry Maxwell's Statement	April 2009
A8.2	Letter dated 22.4.09 from Network Rail	April 2009
A8.3	Henry Maxwell's Proof of Evidence inc. Appendices	
A8.4	Letter dated 1.10.09 from Intermodality LLP to Chris Mole MP	Oct 2009
A8.5	Letter dated 15.10.09 from DTP to Intermodality	Oct 2009
A8.6	Letter dated 11.9.09 from Network Rail	Sept 2009
A8.7	Note on Level Crossing Closure Times	Oct 2009
A8.8	Letter dated 22.5.08 from Network Rail	May 2008

**HIGHWAYS AGENCY'S EVIDENCE**

HA1.1	David Nock's Proof of Evidence	Mar 2009
HA1.2	David Nock's Supplementary Proof	Aug 2009
HA1.3	East Midlands Strategic Distribution Site Identification Study: Agenda of Meeting 12.10.09, Draft Study Brief, and covering letter to PINS dated 11.9.09 from HA	Oct 2009
HA2.1	David Bennett's Proof of Evidence	Mar 2009
HA2.2	David Bennett's Supplementary Proof of Evidence	April 2009
HA2.3	Draft Note prepared by the HA on Agreed Matters	May 2009

HA2.3a	Letter dated 20.5.09 from HA to DTA in response to theirs dated 11.5.09 (A7.6)	May 2009
HA2.4	David Bennett's Supplementary Proof of Evidence	Aug 2009
HA3.1	Letter from GVA Grimley dated 10.9.09 to Barton Willmore enclosing Land Registry documents re: land in the vicinity of the Toyota access	Sept 2009

**SEVERN TRENT'S EVIDENCE**

STW1.1	Response to Iain Painting's evidence	April 2009
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**MADECORN LEISURE LLP'S EVIDENCE**

ML1.1	Neil Boughey's Proof of Evidence AP1	Mar 2009
ML1.2	Neil Boughey's Proof of Evidence AP2	Mar 2009
ML1.3	Neil Boughey's Appendices	Mar 2009
ML1.4	Hotel Demand Survey	
ML1.5	Floodlit Golf Driving Range Planning Permission ref: 9/2000/0901/F	Feb 2001
ML1.6	Madecorn Leisure LLP grant application to EMDA	
ML1.7	Grant Confirmation	Jan 2008
ML1.8	Madecorn Leisure LLP planning enquiry dated 7.5.09	May 2009
ML1.9	Layout of Proposed Development	April 2009
ML1.10	Madecorn Leisure LLP e-mail dated 12.5.09 confirming bridge height at Mercia Marina	May 2009

**WILSON BOWDEN'S EVIDENCE**

WB1.1	Anthony Bateman's Summary	
WB1.2	Anthony Bateman's Proof of Evidence	
WB1.3	Anthony Bateman's Appendices	
WB2.1	Jonathan Golby's Summary	
WB2.2	Jonathan Golby's Proof of Evidence	
WB2.3	Jonathan Golby's Appendices	

**THIRD PARTY EVIDENCE**

WPC1	Willington Parish Council	
EPC1	Eggington Parish council	
BWB1.1	Helen Louise Edwards' Proof of Evidence	April 2009
BWB1.2	Helen Louise Edwards' Appendices	April 2009
BWB2.1	Peter Roberts' Proof of Evidence	April 2009
STM1	St Modwen's letter dated 26.3.09 and enclosures	Mar 2009
GE1	Mr Evens' Statement and covering letter	April 2009
GE2	Mr Evens' revised Statement and additional plans	April 2009
CLW1	Clowes Developments' letter dated 16.4.09	April 2009
CLW2	Clowes Developments' letter dated 21.10.09 enclosing letter from Network rail dated 7.7.09	Oct 2009
DVP1	Dove Valley Park's letter dated 17.4.09	April 2009
JO1	John Orme's Proof of Evidence	April 2009
JO2	Addendum to John Orme's Proof	May 2009
JO3	Additional information supplied by John Orme	Oct 2009
JR1	Joseph Rise's Proof of Evidence	April 2009
TMC1	E-mail dated 29.4.09 from James Johnston presenting an objection from Dave Brewin for the Trent and Mersey Canal Society Ltd	April 2009
TMM1	Toyota's letter to the Inquiry dated 20.10.09	Oct 2009

**INSPECTOR'S DOCUMENTS**

ID1**	PINS letter dated 13.8.08 confirming Start Date	
ID2**	PINS letters confirming Rule 6 Parties' status	
ID3	Minutes of the pre-inquiry meeting	Feb 2009