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Dear Chris.

Covering planning letter pursuant to a Section 73 application for minor amendments to the wording of conditions to allow the phasing of highways works under ‘hybrid’ permission references 21/01191/HYB (HBBC) and R24/0081 (RBC) – Land South of the A5, Hinckley, at Padge Hall Farm

1.0 Introduction

- 1.1 This planning letter is submitted on behalf of Agrarian Development Holdings Limited (‘the Applicant’) for minor amendments to the wording of conditions to allow the phasing of highways works under ‘hybrid’ permission references 21/01191/HYB (HBBC) and R24/0081 (RBC). It is acknowledged that the RBC application was amended through a Section 73 application, however references to ‘hybrid’ permission are used in this letter.
- 1.2 This application is submitted under Section 73 of the Town & Country Planning Act 1990 (as amended). The description of development on the planning consents reads as per the table below:

Hinckley & Bosworth Borough Council (HBBC)	Rugby Borough Council (RBC)
Application ref - 21/01191/HYB Approved: 21 st December 2023	Application ref - R24/0081 Approved: 13 th September 2024
<i>Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, earthworks and landscaping. The proposals include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street. A cross boundary application with Rugby Borough Council and Nuneaton and Bedworth Borough Council (EIA development)</i>	<i>Variation of Condition 1-plans, 14- Surface Water Drainage Scheme, 46- approved detail including drainage and 48- flood risk assessment attached to R21/0985 (Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping, and highways improvements at Dodwells roundabout; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, and on plot landscaping. The proposals include improvements to the existing railway bridge on the A5 Watling Street including increased height clearance. This is a cross boundary application with Hinckley and Bosworth Borough Council and Nuneaton and Bedworth Borough Council (EIA development).)</i>

- 1.3 The Padge Hall Farm scheme commenced development in April 2025, with several conditions already discharged and work on-site having progressed significantly. In addition to the detailed approval of Unit 1 through 'hybrid permissions' reserved matters applications (RMAs) for Units 2 and 3 have also been approved by RBC under refs. R25.0706 (Unit 2) and R25.0758 (Unit 3). The proposed amendments for the Section 73 application to allow the highways works to be phased, are in response to ongoing progress and timings with the s278 technical approval process, as described in section 2 of this planning letter, and in response to Tesco's (the occupier) requirements to operate Unit 1 from September 2026.
- 1.4 The relevant planning conditions require the highways works to be delivered prior to the Padge Hall Farm development being brought into use. However, Tesco would like to amend the relevant conditions to allow the occupation of Unit 1 prior to the highway works being completed. The proposed amendment to phase the highways works will not affect the delivery of the highways works which are due to be completed in full by March 2027 prior to the occupation of Units 2 and 3, as already approved.
- 1.5 It should also be noted that Tesco will be relocating to Unit 1 in September 2026 from their existing unit on the A47 Dodwells Road, approximately 600m to the north of the Padge Hall Farm site.
- 1.6 The red line boundary for the whole application site, land south of the A5, Hinckley, at Padge Hall Farm, is predominantly in RBC. However, the access arrangements, and which are relevant to this Section 73 application, are within Hinckley and Bosworth Borough Council (HBBC) and therefore HBBC are the proposed primary local planning authority.
- 1.7 The red line boundary for the whole application site also includes land within Nuneaton and Bedworth Borough Council (NBBC). The proposed amendments as part of this Section 73 application do not have any implications on development located in NBBC, and therefore do not affect the consent granted by NBBC.
- 1.8 In terms of the detail provided within this Section 73 submission, with the mitigation measures from the hybrid permissions continuing to be delivered in full upon the completion of the Padge Hall Farm scheme, the assessment of effects from the Environmental Statement (ES) in the hybrid permissions remain robust and appropriate. Therefore, an ES Addendum is not provided as part of this s73 application.
- 1.9 This Section 73 application is supported by the following suite of plans and documents:
- Application Form;
 - Technical Note, ref. ADC3729-RP-B, rev v4
 - Unit 1 Internal NMU Routes Phase 1, ref. ADC839-DR-025 rev P2
 - Unit 1 Internal NMU Routes Phase 2, ADC1839-DR-026 rev P1
 - HGV Swept Path at Dodwells Roundabout, ref. 3729-ADC-HGN-XX-DR-CH-0131-s2-P01
 - S73 Sustainability Checklist (for Rugby only and for validation purposes)

2.0 Proposed amendments to planning conditions to allow the phasing of highways works

2.1 The proposed amendments to the relevant planning conditions to allow the phasing of highways works are set out in the table further below. Primarily, the amendments would see the following:

- Phase 1 of highways works – prior to the occupation of Unit 1:
 - Delivery of the Padge Hall Farm main site access from the A5 (including the signal junction);
 - Provision of a 3m wide footway between Unit 1 and the bus stops on the A5;
 - Provision of the emergency access route between Unit 1 and the Dodwells roundabout (but not connected to the Dodwells roundabout).
- Phase 2 of highways works (completing the highways works as already approved through the 'hybrid' permissions) – prior to occupation of Units 2 and 3:
 - Works to the Dodwells roundabout;
 - Lowering of the A5 carriageway under the Nutts Lane railway bridge;
 - The connection between the 3m wide footway/cycleway and the proposed NMU facilities at the Dodwells roundabout;
 - The emergency access route would also be connected to the improved Dodwells roundabout.

2.2 A further description of the proposed changes is contained with the Technical Note included with this submission.

2.3 Informal technical approval for the s278 works have been sought by the Applicant since October 2023. Works to both highways phases are scheduled to commence in May 2026 as agreed with National Highways, with works to Phase 1 due to be completed by September 2026 in time for the occupation of Unit 1.

2.4 Given the programme of the occupier (Tesco) to operate Unit 1 from September 2026, and in consideration of the wording of conditions requiring the full highways works to be delivered pre-occupation, the Applicant is now seeking amendments to the relevant planning conditions to deliver the highways works in two phases, thereby allowing Unit 1 to be occupied by Tesco in September 2026. The phase 2 highways works are forecast to be completed by March 2027.

2.5 Table outlining proposed minor amendments to conditions:

Condition number	Existing wording	Proposed amended wording (new words in 'bold')
HBBC 10	Prior to the development first being brought into use, a scheme of works at A5 Dodwells roundabout as shown on drawing 1839-DR-007 Rev P5 (or as amended by a Road Safety Audit or Detailed Design), having first been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with National Highways, shall be provided in accordance with the approved details.	With the exception of Unit 1, prior to the remaining Units being brought into use, a scheme of works at A5 Dodwells roundabout as shown on drawing 1839-DR-007 Rev P5 (or as amended by a Road Safety Audit or Detailed Design), having first been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with National Highways, shall be provided in accordance with the approved details.
HBBC 12	Prior to the development hereby permitted first being brought into use, the pedestrian footway along the northern side of the A5 between the	With the exception of Unit 1, prior to the remaining Units being brought into use, the pedestrian footway along the northern side of the

	Nutts Lane Rail Bridge to the site access (as approved under Condition 11) will be implemented in full and available for use in accordance with the approved plans.	A5 between the Nutts Lane Rail Bridge to the site access (as approved under Condition 11) will be implemented in full and available for use in accordance with the approved plans.
HBBC 13	The scheme of works for the lowering of the A5 carriageway under the Nutts Lane railway bridge, as shown on drawing 1839-DR-100 Rev P2, having first been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with National Highways, shall be completed prior to any part of the development hereby approved being first brought into use. The works shall be carried out in accordance with the approved details.	The scheme of works for the lowering of the A5 carriageway under the Nutts Lane railway bridge, as shown on drawing 1839-DR-100 Rev P2, having first been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with National Highways, shall be completed, with the exception of Unit 1, prior to the remaining Units being first brought into use. The works shall be carried out in accordance with the approved details.
HBBC 14 and RBC 24	(HBBC): No part of the development shall be first brought into use until such time as the pedestrian and cycle access as generally shown on drawing number ADC1839-DR-021 Rev P2 has been implemented in full. (RBC): No part of the development shall be first brought into use until such time as the pedestrian and cycle access as generally shown on drawing number ADC1839-DR-021 Rev P2 has been implemented in full.	(HBBC): Unit 1 shall not be brought into use until such time as the pedestrian and cycle access as generally shown on drawing number ADC839-DR-025 rev P2 (Phase 1) has been implemented in full. No part of the remainder of the development shall be first brought into use until such time as the pedestrian and cycle access as generally shown on drawing number ADC1839-DR-026 rev P1 (Phase 2) has been implemented in full. (RBC): Unit 1 shall not be brought into use until such time as the pedestrian and cycle access as generally shown on drawing number ADC839-DR-025 rev P2 (Phase 1) has been implemented in full. No part of the remainder of the development shall be first brought into use until such time as the pedestrian and cycle access as generally shown on drawing number ADC1839-DR-026 rev P1 (Phase 2) has been implemented in full.
HBBC 15	No part of the development shall be first brought into use until such time as the way finding strategy as generally shown on drawing number ADC1839- DR-020 Rev P2 has been agreed in writing with the Local Planning Authority (in consultation with the relevant highway authorities) and implemented in full.	With the exception of Unit 1, prior to the remaining Units being brought into use until such time as the way finding strategy as generally shown on drawing number ADC1839- DR-020 Rev P2 has been agreed in writing with the Local Planning Authority (in consultation with the relevant highway authorities) and implemented in full.

- 2.6 No other changes to the scheme are proposed with all other conditions remaining as set out in 'hybrid' permissions refs. 21/01191/HYB (HBBC) and R24/0081 (RBC). In addition, the Parameters Plan and overall extent of floorspace permitted as part of the Padge Hall Farm scheme remain as approved in the 'hybrid' permissions previously referred to.

3.0 Relevant Planning Policy and Material Considerations

Development Plan - Rugby Local Plan and Hinckley & Bosworth Local Plan

- 3.1 The relevant Development Plan remains as follows:

- The Rugby Borough Council Local Plan, which covers the Plan period 2011-2031, and which was adopted in June 2019. No relevant Local Development

Plan policy updates have occurred since the approval of the RBC 'hybrid' application in September 2024.

- The Hinckley & Bosworth Local Plan comprises (for this development) the Core Strategy adopted in 2009 and Site Allocations & Development Management Policies DPD adopted in 2016, which covers the Plan period 2006-2026. No relevant Local Development Plan policy updates have occurred since the approval of the HBBC 'hybrid' application in December 2023.

- 3.2 No relevant Local Development Plan policy updates have occurred since the approval of the application in December 2023. The relevant local planning policies are therefore unchanged from those which informed the approval of the application in 2023, and as set out in the existing Planning Statement.

National Planning Policy and Guidance

- 3.3 There have been updates to the National Planning Policy Framework (NPPF) since the submission of the original application in September 2021. The updated NPPF (December 2024) has no material change to the sections or substance of paragraphs previously highlighted within the Planning Statement submitted for the permitted scheme. However, the paragraph numbering has changed in many cases. The relevant NPPF sections can therefore still be listed as:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

- 3.4 Paragraph 85 of the NPPF (December 2023) also continues to highlight the importance of economic growth in order to build a strong and competitive economy, and states:

“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

Material Consideration – Existing Permission

- 3.5 The existing 'hybrid' permissions establish the principle for the development of up to 136,350 sqm of B2 / B8 use floorspace at the application site (with B2 up to 33.3% of that maximum overall floorspace). Work on site has already commenced and is progressing. This Section 73 application will not affect the principle of development already established.

4.0 Planning Appraisal

- 4.1 The proposed amendments to the wording of conditions to allow the highways works to be phased, would enable the occupier of Unit 1 (Tesco), to continue to progress on site towards operation from September 2026. Works to both highways phases are scheduled to commence in May 2026 as agreed with National Highways, with works to Phase 1 due to be completed by September 2026 in time for the Unit 1 occupation.
- 4.2 Tesco are an existing business within the local area and the proposed move from their existing Dodwells facility to Unit 1, provides them with a contemporary warehouse which will allow them to modernise and improve their operations within the region. It should be noted that once Tesco moves to Unit 1, planned for September 2026, their existing Dodwells facility will be vacant. As such, in the short-term Tesco's planned relocation to Unit 1 will not result in additional traffic flows on the network from those already associated with their existing facility.
- 4.3 The submitted Technical Note assesses the impact of phasing of the highways works as described in Section 2.0 of this letter, and states the following in terms of the delivery of the Dodwells roundabout works and A5 lowering works in phase 2:

Dodwells roundabout works:

"Unit 1 represents only 23% of the permitted traffic for the Padge Hall Farm scheme and therefore it is considered that Unit 1 being occupied in advance of the full highway works being delivered will not result in an increased capacity concern at the Dodwells roundabout." (paragraph 3.9)

A5 lowering works:

"Tesco's currently operate out of their A47 Dodwells Road site and their operations are not impacted by the Nutt's Lane low railway bridge on the A5. Therefore, there will be no adverse impact to varying HBBC planning condition 13...with regards to the A5 carriageway lowering beneath the bridge." (paragraph 3.10)

- 4.4 Given the above conclusions, there will be no concerns relating to an increase in capacity at Dodwells roundabout, and also no adverse impacts in relation to the A5 carriageway lowering beneath the bridge. As such the delivery of the highways works in two phases can progress without adverse impacts or material differences from the overall effects set out in the existing ES, as already approved. The Padge Hall Farm scheme will also continue to deliver sustainable development in a sustainable location, with many significant economic, social and environmental benefits which outweighs any harm.
- 4.5 The Technical Note also highlights that work to deliver the package of highway works will be ongoing, and subject to National Highways approvals, the phase 2 highways works are forecast to be completed by March 2027. This would complete the package of highways works.
- 4.6 In view of there being no material changes from the permissions already granted for this scheme, the application should be approved by the local planning authority without delay to ensure the operation of Unit 1 for the occupier.

5.0 Summary

- 5.1 This application is submitted on behalf of the Applicant for minor amendments to the wording of conditions to allow the phased approach to the consented highways works under 'hybrid' permissions refs. 21/01191/HYB (HBBC) and R24/0081 (RBC). Primarily, the amendments would see the delivery of the Padge Hall Farm main site access from the A5 prior to the occupation of Unit 1, with works to the Dodwells roundabout and the A5 lowering works being delivered prior to the occupation of Units 2 and 3, as already approved. A further description of the proposed changes is contained with the Technical Note included with this submission.
- 5.2 Fundamentally, the amendments proposed result in no adverse impacts or material differences from the overall effects set out in the existing ES, as already approved. The Padge Hall Farm scheme will continue to deliver sustainable development in a sustainable location, with many significant economic, social and environmental benefits which outweighs any harm. This Section 73 application should therefore be approved by the local planning authority to ensure the operation of Unit 1 for the occupier.
- 5.4 The proposed amendments to the relevant conditions are set out under paragraph 2.5 of this letter.
- 5.5 The application has been submitted via the Planning Portal (reference PP-14807643) to Hinckley & Bosworth Borough Council and the fee paid by the Applicant. A separate submission will also be made to Rugby Borough Council.
- 5.6 I trust this letter and the supporting information is in order and enables swift validation of the application. However, if there are any questions in the meantime, please do not hesitate to contact me.

Yours sincerely,



Robert Gilmore
Associate