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Our Ref: APP/T2215/A/05/1185897
APP/D5120/A/05/1198457

20 December 2007

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEALS BY PROLOGIS DEVELOPMENTS LIMITED
APPLICATION REFS: DA/04/00803/OUT AND 04/04384/OUTEA
LAND ADJACENT TO SOUTH EASTERN TRAINS DEPOT, SLADE GREEN,
BEXLEY**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Andrew M Phillipson, BSc CEng FICE MIHT, who held a public local inquiry which opened on 24 April 2007, into your clients' appeals under Section 78 of the Town and Country Planning Act 1990 against:-

- i) the decision of Dartford Borough Council to refuse outline planning permission for a rail freight interchange with dedicated intermodal facility and rail-linked warehousing; and
- ii) the failure of the London Borough of Bexley to give notice within the prescribed period of a decision on an outline planning application for a rail freight interchange with dedicated intermodal facility and rail-linked warehousing

both on land adjacent to South Eastern Trains Depot, Slade Green, Bexley.

3. On 27 September 2005 (in the case of the Dartford appeal) and 16 June 2006 (in the case of the Bexley appeal) the planning appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

4. The Inspector, whose conclusions are reproduced in the Annex to this letter, recommended that the appeals be allowed and planning permission granted. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR). For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendations.

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Procedural matters

5. The Secretary of State has, like the Inspector (IR 1.20 and 15.4), taken into account the Environmental Statement and Supplementary Environmental Statements which were submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and in response to further requests for information under Regulation 19 of those Regulations. In doing so she has taken account of the various actions detailed in paragraphs 1.1, 1.2, 1.9, 1.11-1.14 and Appendix C of the Inspector's report. The Secretary of State considers that the information provided complies with the above regulations and that, along with other environmental information supplied at the Inquiry, sufficient information has been provided for her to assess the environmental impact of the application. The Secretary of State also notes that various amendments to the planning application and plans were made as part of the revised Environmental Statements (IR1.11,1.12, 1.14 and Appendix C). She has determined the application as amended, and considers that no party has been prejudiced by doing so.

Policy considerations

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises *Regional Planning Guidance for the South East*, *Regional Planning Guidance for the Thames Gateway*, the *London Plan*, the *Bexley Unitary Development Plan*, the *Kent and Medway Structure Plan* and the *Dartford Local Plan*.

7. The Secretary of State observes that the majority of policies of relevance to this appeal in the development plan have been saved under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. However, she notes that Bexley UDP policies G1, G10, G12, ENV1, ENV 13, T1 and T2 have now expired. The Secretary of State does not consider that this raises any new issues relevant to this application that either affect her decision, or require her to refer back to the parties for further representations before reaching her decision. The Secretary of State agrees with the Inspector that relevant development plan policies include those set out in paragraphs IR5.2-5.47, except for those listed above which have now expired.

8. Material considerations which the Secretary of State has taken into account include: PPS1 "*Delivering Sustainable Development*"; PPG2 "*Green Belts*"; PPG4 "*Industrial and Commercial Development and Small Firms*"; PPS9 "*Biodiversity and Geological Conservation*"; PPG13 "*Transport*"; PPG15 "*Planning and the Historic Environment*"; PPS22 "*Renewable Energy*"; PPG24 "*Planning and Noise*"; and PPS25 "*Development and Flood Risk*".

9. Other material considerations include those emerging documents identified by the Inspector at paragraphs IR 5.48-5.51. The Secretary of State affords limited weight to the Second Draft Deposit Local Plan prepared by Dartford Borough Council, since it will not proceed further to adoption. She also affords limited weight to the *South East Plan*, since the panel report following the examination in public has not yet been published. However, the Secretary of State affords some weight to the *Draft Further*

Alterations to the London Plan as, since the close of the Inquiry, the panel report following the examination in public has been published. She does not consider that this raises any new issues relevant to this application that either affect her decision, or require her to refer back to the parties for further representations before reaching her decision.

10. The Secretary of State has also taken into account as material considerations those other documents identified by the Inspector at IR5.52-5.58, though she gives limited weight to the draft *London Freight Plan* which may be subject to change. The Secretary of State also considers that *Transport 2010* and *Sustainable Distribution: A Strategy* are material considerations.

11. The Secretary of State has also taken into account “*Planning and Climate Change*”, the supplement to PPS1, published on 17 December 2007. She does not consider that this raises any new issues relevant to this application that either affect her decision, or require her to refer back to the parties for further representations before reaching her decision. The Secretary of State has also taken into account draft PPS4 “*Planning for economic development*”, published for consultation on 17 December 2007, but as this document is still in draft and may be subject to change, she affords it little weight.

Main Issues

12. The Secretary of State agrees with the Inspector’s introduction and assessment of the main issues as set out in IR15.1-15.4. She agrees that as the development would constitute inappropriate development in the Green Belt, it is for the applicant to demonstrate that harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by very special circumstances that justify granting planning permission (IR 15.1).

Harm to the Green Belt

13. The Secretary of State agrees with the Inspector’s reasoning and conclusions on harm to the Green Belt, as set out in IR 15.5-15.11. She agrees that the proposal would have a substantial impact on the openness of the Green Belt (IR 15.6), would result in significant encroachment into the countryside (IR 15.7), and would contribute to urban sprawl (IR 15.7). She also considers that the function that the Green Belt serves in maintaining separation between the two settlements alongside the Thames would be materially weakened by the development proposed. However, she agrees that a gap would remain, and its width would be sufficient to maintain a clear physical and visual separation at this point between the eastern edge of London and the western edge of Dartford (IR 15.9).

Other Harm

14. The Secretary of State agrees with the Inspector’s reasoning and conclusions on other harm, as set out in IR 15.12-15.77.

15. On landscape and visual impact, the Secretary of State agrees with the Inspector that the character of the landscape immediately about the appeal site would be significantly changed as a result of the development (IR 15.13). She

considers that the proposal's visual impact would be limited from many directions (IR15.14). However, the Secretary of State considers that change would be most pronounced from Bob Dunn Way and its environs to the south of the site, and from viewpoints in an arc to the north running from Oak Road, through Moat Lane and the edge of Slade Green out to the Crayford and Dartford Marshes (IR 15.15). In such instances, she considers that the landscape and visual impact would be substantial and adverse.

16. On noise, dust, air quality and lighting, the Secretary of State agrees with the Inspector that noise from the development would not result in material harm to the living conditions of nearby residents (IR 15.27). She also agrees that development should not be constrained by concerns regarding the impact on air quality (IR 15.31), and that light spill, glare and upward escape of light would be controlled to acceptable levels (IR 15.32). With regard to these matters, she agrees that the proposal would not conflict with the development plan (IR 15.161). She agrees that condition 21(ii) should serve to prevent any nuisance to local residents from dust during the construction phase of development.

17. The Secretary of State agrees with the Inspector that there would inevitably be some impacts on nature conservation and biodiversity (IR 15.42). However, she agrees that these impacts would be limited and would be adequately offset by the mitigation measures proposed, which would be secured by the agreed conditions and through the Section 106 Non Highway Obligations (IR 15.42). These include the offer to secure the long term future of the Crayford Marshes by transferring the land to a trust - a factor, she notes, which is widely supported (IR 15.40). The Secretary of State agrees with the Inspector's overall conclusion on these matters that the proposal would not conflict with the development plan (IR 15.42, IR15.163)

18. On heritage features, the Secretary of State agrees with the Inspector that there would be no harm to the settings of Howbury Moat (IR15.44), the listed tithe barn (IR 15.44), or the conservation area (IR15.46). She also agrees that only limited negative weight should be given to the proposal's impact on the emerging Green Grid proposals (IR 15.49, IR15.165). Furthermore, the Secretary of State agrees with the Inspector that there is no reason to refuse planning permission for the development on flooding grounds (IR 15.51), given that the Environment Agency confirm that the development is not at significant risk of flooding (IR 15.50, IR15.166).

19. With regard to highways matters, the Secretary of State agrees that a Grampian condition requiring details of the entrance roundabout, to be submitted and agreed before development commences and the roundabout completed before the development is first occupied, is an appropriate response to concerns relating to the design of the site entrance roundabout (IR 15.60). She also agrees that, with regard to concerns about the capacity of the Crayford Way roundabout, it would be less than reasonable to require the appellant to fund any necessary adaptations to the roundabout which further analysis showed would be very small in any event (IR 15.66). The Secretary of State further agrees that it would not be reasonable to impose a Grampian condition requiring, in effect, that the developer of the proposal provide or fund a replacement for the Thames Road bridge (IR 15.75).

Very Special Circumstances

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on very special circumstances, as set out in IR 15.78-15.132.

21. On the matter of policy support for Strategic Rail Freight Interchanges (SRFIs), the Secretary of State agrees with the Inspector that policies in the London Plan effectively embrace the Strategic Rail Authority's conclusions and support the provision of three or four SRFIs in London and the South East (IR15.94). She also agrees that the adopted London Plan qualifies this support given that it states that any SRFI should be wholly or substantially on previously developed land (IR15.94). The Secretary of State also observes that the emerging London Plan requires that new locations for intermodal facilities should meet strategic planning and environmental objectives (IR 15.94), and notes that policy 3C.25 is expanded to include sites which would enable the potential of the Channel Tunnel Rail Link to be exploited (IR15.87).

22. The Secretary of State agrees with the Inspector that little weight should be given to the suggestion that planning permission for the proposal should be refused because it has not been demonstrated that the need for additional intermodal terminal capacity amounts to a "situation requiring relief" (IR 15.100). She also agrees that there are no viable alternative sites for the SRFI in the examined arc around south and east London (IR 15.177) – including the Barking site, which she agrees is not a realistic alternative (IR 15.105). Like the Inspector, she affords this issue considerable weight (IR 15.177).

23. On practical considerations relating to the proposal, the Secretary of State is, like the Inspector, satisfied that, on the totality of the evidence available, she can be reasonably assured that sufficient train paths would be available to service a SRFI at Howbury Park (IR 15.112); and that the disadvantage that Howbury Park would suffer from not being on a route cleared to W10 gauge would not be fatal (IR 15.118). The Secretary of State also considers that, whilst trains between Howbury Park and Felixstowe or Southampton are unlikely to be competitive when compared to road transport (IR 15.120), the proposal would be well placed to accept freight traffic coming through the channel tunnel (IR 15.121), and corporate social responsibility and other considerations are also likely to drive a general move from road-based to rail-based transport (IR 15.180). The Secretary of State is also satisfied with the Inspector's assessment of the positive indications that the proposal would operate as a SRFI (as set out in IR15.127-15.132), and agrees that she can be reasonably assured that the proposal would operate as such (IR 15.182).

Sustainability

24. The Secretary of State agrees with the Inspector's reasoning and conclusions on sustainability, as set out in IR 15.133-15.141. She agrees that the proposal would benefit the environment by reducing CO₂ emissions (IR 15.140), and that the design of the buildings would incorporate a range of measures to increase their sustainability (IR 15.141).

Precedents

25. The Secretary of State agrees with the Inspector's reasoning and conclusions on precedents, as set out in IR 15.142-15.143. She agrees that, whilst it is right to have regard to the precedent set by the London International Freight Exchange in reaching her decision on Howbury Park, she does not consider that she is bound to arrive at the same conclusion (IR 15.142).

Other matters

26. The Secretary of State agrees with the Inspector's reasoning and conclusions on those other matters addressed in IR 15.144-15.150. She agrees that the number of parking spaces should not be reduced below the 1,167 proposed by the appellant (IR 15.147, IR15.168); and that there is no evidence to support the view that providing rail-linked warehouses on the site as part of a SRFI aimed at meeting the strategic needs of London and the South East would materially impact on the demand for conventional warehouses in the Borough served only by road (IR 15.149, IR15.169). The Secretary of State considers that there is no shortage of employment land in Bexley; and that the employment benefits that would flow from the development should not weigh significantly in deciding whether planning permission should be granted (IR 15.150).

Conditions and obligations

27. The Secretary of State agrees with the Inspector's assessment of conditions, as set out in IR 15.151-15.155 and considers that the Inspector's proposed conditions comply with the policy tests in DoE Circular 11/95. She also considers that the Section 106 agreements considered by the Inspector in IR 1.15-1.19 are relevant to the proposed development and meet the policy tests of ODPM Circular 05/05.

Overall Balance

28. The Secretary of State agrees with the Inspector's conclusions as set out in IR 15.156-15.186, except with respect to conformity with the development plan which is addressed in paragraph 33 below.

29. She agrees with the Inspector that the proposal would be in conflict with the development plan insofar as it constitutes inappropriate development in the Green Belt, that it would cause substantial harm to the Green Belt, and that warehouses would be built in an area where they are not contemplated when there is sufficient other employment land available in the Borough of Bexley (IR15.170). She also agrees that it would conflict with the requirement of the existing London Plan that any site for a SRFI should be wholly or mainly on previously developed land (IR 15.184). The Secretary of State also considers that the proposal would have an impact on the emerging Green Grid proposals, but gives this issue only very limited weight (IR15.165).

30. The Secretary of State considers that the fundamental issues are, therefore, whether, in line with PPG2 and the development plan, this harm is clearly outweighed by other considerations and whether these can be regarded as being very special circumstances.

31. The Secretary of State agrees with the Inspector's assessment of the benefits of the proposal and their relative weight, as set out in IR 15.183 and 15.185. She considers that there are a number of benefits with the proposal, including the reduction in CO₂ emissions (IR15.140), the benefits generated by employment at the site (IR15.150) and benefits to nature conservation interests (IR15.40). However, the Secretary of State agrees with the Inspector that the ability of the proposal to meet part of London's need for three or four SRFIs is the most important consideration to which she affords significant weight. She also affords considerable weight to the lack of alternative sites to meet this need.

32. Having agreed with the Inspector that the benefits which he has identified are positive factors that weigh in favour of the proposal, she has then gone on to consider if these benefits could either individually or cumulatively amount to very special circumstances in accordance with the development plan.

33. The Secretary of State concludes that, in this particular case, the beneficial effects of the proposal together amount to very special circumstances and are of sufficient weight to clearly outweigh the harm to the Green Belt, and other harm. She therefore considers that the proposal complies with London Plan policy 3D.8 and Bexley UDP policy ENV2. Overall, the Secretary of State considers that the proposal complies with the development plan.

Overall Conclusions

34. The Secretary of State considers that the proposal is inappropriate development in the Green Belt, and would cause substantial harm to it. To comply with Green Belt policy the proposal cannot overcome the conflict with both local and national Green Belt policies unless very special circumstances exist. Having carefully considered the proposal, the Secretary of State considers that, in this particular case, the benefits of the proposal constitute very special circumstances and are sufficient to clearly outweigh the harm to the Green Belt and other harm. She therefore considers that the proposal complies with Green Belt policies of the development plan. The Secretary of State considers that the proposal complies with the development plan in other respects.

35. The Secretary of State does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

Formal Decision

36. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows the appeals and grants outline planning permission for a rail freight interchange with dedicated intermodal facility and rail-linked warehousing, on land adjacent to South Eastern Trains Depot, Slade Green, Bexley in accordance with application numbers DA/04/00803/OUT and 04/04384/OUTEA, both dated 9 August 2004 (as amended), subject to the conditions set out in Annex A.

37. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent,

agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

38. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

39. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.

41. A copy of this letter has been sent to the London Borough of Bexley and Dartford Borough Council and all parties who appeared at the inquiry.

Yours faithfully,

Mark Plummer

Authorised by the Secretary of State to sign in that behalf

ANNEX A

Conditions

1. Approval of the details of the design, external appearance of the buildings (including the bridge, the extent of which is shown in blue on Plan 2144-LE-79A), and the landscaping of the site (hereinafter called the reserved matters) shall be obtained in writing from the Local Planning Authority before any development is commenced.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development hereby permitted shall be carried out substantially in accordance with the principles illustrated on the Parameters Plan, with the exception of the area shown as the Public Pocket Park which shall instead be landscaped in accordance with the details submitted pursuant to Conditions 1 and 8.

5. The total gross external area of the warehouses to be erected on the site shall not exceed 198,000 sq.m.

6. Prior to the commencement of development details of the sustainability measures (including a programme of implementation) to be substantially in accordance with Section 5 of the Design Code contained within the Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority. The sustainability measures shall be implemented as approved.

7. The details to be submitted in accordance with Condition 1 shall include a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings.

8. The landscaping details to be submitted in accordance with Condition 1 shall be substantially in accordance with the Landscape Strategy set out in the Environmental Statement and shall specify:

- i) details of all ground modelling, re-profiling, bunding and mounding, including a comprehensive ground level survey with information relating to the existing and proposed ground levels above Ordnance Datum and cross-sections at a scale of not less than 1:200 at Moat Lane/Oak Road and 1:500 elsewhere at the boundary;
- ii) a detailed scheme for the comprehensive treatment of planting and seeding areas including plans and sections at a scale of not less than 1:1250;
- iii) all site boundary treatment, retaining walls, gabions, footpaths and security fencing;
- iv) acoustic fencing and barriers between letters A-B; C-D and E-F as shown on the Parameters Plan; and
- v) a programme of implementation and management plan.

The landscaping scheme shall be carried out as approved and shall be maintained in accordance with the approved management plan for a minimum of ten years after planting. Any trees, shrubs, or other plants which die, are removed or become seriously damaged or diseased during this period shall be replaced with others of a similar type and size unless otherwise agreed by the Local Planning Authority.

9. Prior to the commencement of development details of the landscaping scheme for the area shown edged green on plan 2144-FE-78 (including a programme of implementation)

shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

10. Prior to the commencement of development details of the highway works on Moat Lane and at the access to the site from the A206 Bob Dunn Way/Thames Road/ Burnham Road junction shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until these off-site works have been completed in accordance with the approved details.

11. The bridge details to be submitted in accordance with Condition 1 shall specify:

- i) details of the provision to be made for access for the Environment Agency to and along both banks of the River Cray;
- ii) details of the bridge piers which shall be substantially in accordance with the Environmental Statement and shall create no greater blockage to the River Cray than shown on the revised application drawings dated January 2007;
- iii) details of the works to the banks of the River Cray which shall project no further into the watercourse than shown in the revised application drawings dated January 2007 and the Environmental Statement;
- iv) details of fenders;
- v) details of guard rails; and
- vi) the materials and finishes to be used for the external surfaces of the bridge.

The bridge shall be provided in accordance with the approved details.

12. Prior to the commencement of development an ecological mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of implementation and a management plan and shall be substantially in accordance with the details contained in the Ecological Chapter of the Environmental Statement (including the provision of a 5m wide buffer zone alongside all wet ditches and ponds). The ecological mitigation scheme shall be carried out as approved.

13. Prior to the commencement of development a scheme providing details of all permanent access roads, cycle ways and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of implementation and shall be substantially in accordance with the Parameters Plan. The scheme shall be implemented in accordance with the approved details.

14. Prior to the commencement of development details of the northern access from Moat Lane together with measures to be introduced to ensure that only authorised vehicular traffic, cyclists and pedestrians can use the northern access from Moat Lane as identified on the Parameters Plan shall be submitted to and approved in writing by the Local Planning Authority. The said details shall specify the type of vehicles to be authorised and the management arrangements for the operation of those measures. Thereafter the northern access shall be provided in accordance with the approved details and the only vehicles to use this access shall be those authorised in accordance with the approved details.

15. Prior to the commencement of development details of the areas affected by all vehicular and pedestrian sight lines and visibility splays within the site including the height of zone within which there shall be no obstruction to visibility shall be submitted to and approved in writing by the Local Planning Authority. The sight lines and visibility splays shall be provided in accordance with the approved details before that part of the development which utilises those sight lines and visibility splays is first brought into use. Thereafter the sight lines and visibility splays shall be maintained in accordance with the approved details.

16. Prior to the commencement of development a scheme specifying the management arrangements for the operation of the lifting bridge shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter the bridge shall only be lifted in accordance with the agreed scheme.

17. Prior to the commencement of development details of the boundary treatment between the western boundary of the application site and the area denoted as the "Area reserved for Crossrail" on the Parameters Plan shall be submitted to and approved in writing by the Local Planning Authority. The treatment of that boundary shall be undertaken in accordance with the approved details.

18. Prior to the commencement of development a drainage strategy (including a programme of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be substantially in accordance with the details set out in the Environmental Statement. The strategy shall be implemented as approved.

19. Prior to the commencement of development a scheme of archaeological investigation and, if necessary, mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

20. Prior to the commencement of development a scheme detailing the location and appearance of the refuse storage areas and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained as approved.

21. Prior to the commencement of development a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- i) details of the means of access to the site (including details of temporary construction accesses to the site and to the banks of the River Cray and details of the temporary bridge over the River Cray);
- ii) details of the methods to be used to control dust, noise, vibration and other emissions from the site (including emissions to the River Cray);
- iii) measures to prevent blockages to the River Cray and to control the loadings to the river embankments;
- iv) a scheme for the routing, management and signage of construction traffic;
- v) a scheme for the maintenance and/or temporary diversion of Public Rights of Way;
- vi) details of fencing to prevent incursion of construction traffic onto landscaped areas within and outside the site;
- vii) details of all temporary buildings and compound areas including arrangements for their removal;
- viii) details of areas to be used for the storage of plant and construction materials and waste (including demolition waste);
- ix) details of the areas to be used for parking, loading and unloading of construction vehicles and for parking employees vehicles;
- x) details of temporary lighting arrangements; and
- xi) a programme of works.

All construction shall be carried out in accordance with the approved method statement.

22. Prior to the commencement of development a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the provisions to be made for the control of noise from the site and shall be substantially in accordance with the Environmental Statement and the Statement of Common Ground on Noise (CD7.5). Noise from the site shall be controlled in accordance with the approved scheme.

23. Prior to the commencement of development a contaminated land assessment and associated remediation strategy together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment and remediation strategy shall include a site investigation report detailing all investigative works and sampling carried out together with the results of analysis and risk assessments to any receptors. The strategy shall be of such a nature so as to render harmless the identified contamination having regard to the proposed end use of the site and the surrounding environment including all controlled waters.

The approved remediation scheme shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the approved methodology and best practice. Any variation to that scheme shall be agreed in writing with the Local Planning Authority in advance of the varied works being undertaken. If during any remediation works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority and carried out.

Upon completion of the remediation works this condition shall not be discharged until a validation report has been submitted to the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the remediation works have been carried out in full in accordance with the approved methodology. The report shall include all relevant correspondence with the regulating authorities and other parties involved with the remediation works, details of post remediation sampling and analysis to show the site has reached the required standard of remediation, and documentation detailing all materials that have been imported to or removed from the site in connection with the remediation works.

24. Prior to the commencement of development a groundwater monitoring scheme relating to the chalk aquifer under the Crayford Landfill Phase 7 (including a programme of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

25. Details of the construction of the foundations for each building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of that building. The foundations shall be constructed in accordance with the approved details.

26. No works of construction (including earthworks) other than internal works to the buildings, the laying of floors, works requiring rail possessions and tidal works shall be undertaken before 08.00 or after 18.00 on any weekday or before 09.00 or after 14.00 on Saturdays nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

27. Prior to the occupation of each building details of any external storage areas (including the maximum height of any such storage) for that building shall be submitted to and approved in writing by the Local Planning Authority. No materials shall be stored outside the buildings except in the approved areas.

28. No building or the intermodal area hereby permitted shall be occupied until the associated car parking, HGV parking, servicing and manoeuvring spaces and the roads and footpaths providing access for that building or the intermodal area have been constructed and laid out in accordance with details submitted to and approved in writing by the Local Planning Authority. The car parking approved for each building or the intermodal area shall be completed ready for use prior to the occupation of that building but shall not be used prior

to such occupation. Cars and HGVs shall not be parked on the site other than in the approved parking spaces unless otherwise agreed in writing by the Local Planning Authority.

29. No building or the intermodal area hereby permitted shall be occupied until the cycle parking for that building or use has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority, such details to be substantially in accordance with the Framework Travel Plan. The cycle parking approved for each building or use shall be provided prior to the occupation of that building or use and thereafter shall remain available for such use at all times unless otherwise agreed in writing by the Local Planning Authority.

30. Prior to first occupation of any part of the development a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. No external lighting other than that approved shall be provided on the site.

31. The buildings hereby permitted shall be used solely for Class B8 (storage or distribution) purposes and uses ancillary thereto and for no other purpose.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or replacing the same) no extension of the buildings hereby approved shall be carried out.

33. The height of stacked containers on the area coloured orange on the plan ref 2144-LE-85 shall not exceed 12m.

34. No more than 1,167 car parking spaces shall be provided on site including spaces for disabled and car share drivers.

35. There shall be no burning of materials or waste on the site.

36. Details of any gantry cranes to be used on the site shall be submitted to and approved in writing by the Local Planning Authority prior to their first use. No gantry cranes shall be used on the site other than as previously agreed in writing by the Local Planning Authority.

37. No railway line or siding provided within the site further to this permission shall be removed, realigned or closed to rail traffic unless otherwise agreed in writing by the Local Planning Authority.

Definitions

In these conditions the following expressions shall have the following meanings:

Local Planning Authority: As between the London Borough of Bexley and Dartford Borough Council means the local planning authority within whose administrative district the part of the site to which the condition relates is located and where a condition relates to the whole development or any part of the development which straddles the boundary between the two local authorities then the expression shall be taken to mean both authorities.

Commencement of development: The earliest date on which any of the material operations (as defined by Section 56(4) of the Town and Country Planning Act 1990) pursuant to the implementation of this planning permission is begun on the application site with the exception of:

i. any works carried out in connection with any archaeological investigation of the application site; and

- ii. any trial holes or other operations to establish the ground conditions of the application site; and
- iii. any works of demolition and ground clearance.

Environmental Statement: The Environmental Statement revised January 2007 and the Supplementary Environmental Statement dated July 2007.

Parameters Plan: The Development Parameters Plan Drawing No. 2144/PL/49D (or alternatively Drawing No 2144/PL/104 in the event that the levels of the adjoining landfill are reduced to those shown on Figure B3 in the Supplementary Environmental Statement dated July 2007).

Crayford Landfill Phase 7: The area identified as Phase 7 in the planning permission for the landfill on land adjacent to the application site.

Framework Travel Plan: The document entitled "Framework Employee Travel Plan/Freight Management Plan" produced by WSP Consultants and dated 24 May 2007.