


HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

DIRECTION TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER  
SECTION 90 OF THE TOWN AND COUNTRY PLANNING ACT 1990

DEVELOPMENT OF A NEW PRIMARY SCHOOL AND ASSOCIATED WORKS ON  
LAND TO THE SOUTH OF BIRMINGHAM ROAD, WATER ORTON, BIRMINGHAM

The Secretary of State for Transport, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR hereby directs that:-

1. Pursuant to section 50 of the High Speed Rail (London – West Midlands) Act 2017 (“the Act”) and Part 3 of the Town and Country Planning Act 1990 (“1990 Act”) and subject to paragraphs 2 and 3 below, planning permission, so far as it is required, be deemed to be granted for the Development authorised by the Act as specified in Schedule 1 to this Direction.
2. The Development for which planning permission is deemed to be granted is development which, in respect of any works or matters, is carried out within the limits authorised by the Act and has been the subject of environmental assessment in connection with the Act for the purposes of section 50(8)(c) of the Act.
3. Planning permission for the Development as described in Schedule 1 to this Direction is deemed to be granted under Part 3 of the 1990 Act subject to the planning conditions set out in that Schedule.
4. Pursuant to section 50(4) of the Act section 20(1) of the Act does not apply to the Development as described in Schedule 1 to this Direction.
5. A set of planning drawings showing elements of the Development in further detail accompanies this Direction. A list of these drawings is set out in Schedule 2 to this Direction.
6. Pursuant to section 50(5)(b) of the Act the Development may be carried out only by Warwickshire County Council, the nominated undertaker appointed under section 45 of the Act, or such other party approved in writing by the Secretary of State for Transport.



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Authorised by the Secretary of State for Transport

Patrick Bateson, Deputy Director, HS2 Phase One Scope and Powers

Thursday 23 August 2018

## SCHEDULE 1

### PLANNING CONDITIONS

#### Definitions and Interpretation

In these conditions unless the context otherwise requires:

“Act” means the High Speed Rail (London – West Midlands) Act 2017;

“Commencement” means the date upon which the Development shall begin by the carrying out of a material operation as defined in section 56 of the Town and Country Planning Act 1990 excluding any operations relating to ground and soil investigations, investigations or works in respect of ground contamination, archaeological investigations, geological investigations, site clearance, tree felling or removal, or the erection of fencing, hoardings or site compound buildings, and “Commence” and cognate terms shall be construed accordingly;

“Development” means the erection of a new primary school comprising a new school building, parking facilities, a playground, sports pitch, hard games court, access, landscaping and associated works on land south of Birmingham Road, Water Orton, Birmingham within the Site;

“Environmental Mitigation Works” means the works specified at paragraphs 5.2.7 and 5.2.8 of the Environmental Statement comprising:

- the retention of copse trees on the Site except where any such trees need to be removed to create access to the Site; and
- the diversion of Footpath M40 along the eastern boundary of the Site on a diversion of approximately 150 metres;

“Environmental Statement” means the document entitled Supplementary Environmental Statement 3 and Additional Provision 4 (Supplementary Environmental Information) dated 12 October 2015;

“Footpath M40” means the diverted footpath crossing the eastern part of the Site extending from Plank Lane to the northern boundary of the Site shown for identification purposes only hatched black on the Site Layout Plan with reference ‘Z0188-HSA-06-ZZ-PL-A-0004 Rev P 06’ listed in Schedule 2 to this Direction;

“HS2” means High Speed Two Limited and its successors;

“Local Planning Authority” means Warwickshire County Council and its successors as local planning authority for the area in which the Site is located;

“Occupied” means occupation for the purposes permitted by this deemed planning permission but not including occupation by personnel engaged in construction, fitting out or

decoration or occupation for marketing or display or occupation in relation to security operations, and “Occupation” and cognate terms shall be construed accordingly;

“Planning Direction Drawings” means the drawings listed in Schedule 2 to this Direction; and

“Site” means the area of land shown for identification purposes only edged with a solid red line on the Location Plan with reference ‘Z0188-HSA-06-ZZ-PL-A-0002 Rev P1.01’ listed in Schedule 2 to this Direction.

References in these conditions to any scheme, strategy, programme, statement, plan, details, procedure or report to be approved by the Local Planning Authority (each an “approved document”), or to doing of anything in accordance with any approved document shall be construed as including references to such amendments, modifications or substitutions of the approved document as shall have been agreed in writing by the Local Planning Authority.

**1. The Site**

The construction of the Development shall take place within the Site only.

**Reason:** To ensure that no construction takes place beyond the boundary of the area which is the subject of this planning permission.

**2. Commencement Date**

The Development must be begun not later than the end of ten (10) years from 23 February 2017.

**Reason:** Such time limit is required to be applied by section 50(7) of the Act.

**3. In Accordance with Planning Direction Drawings**

The Development shall be carried out in accordance with the Planning Direction Drawings and any samples or details approved in accordance with the conditions attached to this planning permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

**Reason:** To define the scope of the planning permission and to ensure the planning permission is implemented in all respects in accordance with the submitted details.

**4. Approval of External Materials**

The Development shall not be Occupied until details of all external materials and external colour samples to be used for the Development have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the details (or any variation) so approved.

**Reason:** To avoid any material harm to the qualities, character and amenity of the local area.

**5. Construction Method Statement**

The Development shall not be Commenced until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. This should include details of:

- The control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the Site during the construction phase;
- The control of dust including arrangements to monitor dust emissions from the Site during the construction phase; and
- Measures to reduce mud deposition off site from vehicles leaving the Site.

All construction activity shall be carried out in accordance with the Statement (or any variation) so approved.

**Reason:** To protect the amenities of the local residents and in the interests of public and highway safety.

#### **6. Construction Hours**

Construction work shall only take place during the following hours:

Monday – Friday 07:30 – 18:00  
Saturday 08:30 – 13:00

No construction work shall take place on Sundays and Public Holidays.

**Reason:** To ensure that local residents are not subjected to significant increased and adverse levels of noise generated by the Development.

#### **7. Construction Traffic Movements**

The movement of construction plant and equipment, including construction delivery vehicles, to or from the Site shall only take place between the following hours:

During term times of the school, Monday to Friday 07:30 to 08:15, 09:15 to 14:30 and 15:30 to 18:00 hours, Saturday 08:30 to 13:00; Outside term time, Monday to Friday 07:30 to 18:00, Saturday 08:30 to 13:00; No such movements shall take place on Sundays and Public Holidays.

**Reason:** In the interests of highway safety and to ensure that local residents are not subjected to significant increased and adverse levels of noise and disturbance generated by the Development.

#### **8. Contractor's Access etc.**

The Development shall not be Commenced until details of the contractor's temporary vehicular access, working area, compounds, storage and office accommodation and security fencing have been submitted to and approved in writing by the Local Planning Authority. The contractor shall only use the temporary vehicular access, working area, compounds, storage

and office accommodation and security fencing referred to above during the construction period and shall reinstate the land and highway affected by them in accordance with the approved details within six months of the completion of the construction of the extensions and alterations.

**Reason:** To minimise the impact of the construction upon local residents, the school, users of the highway and the local environment and to ensure that the land and highway affected by the Development is reinstated to an appropriate standard following construction.

#### **9. Temporary Vehicular Access**

The temporary vehicular access to the site referred to in Condition 8 above shall not be used for the purposes hereby permitted unless adequate vehicular turning space is provided and maintained within the site for the duration of construction works so that vehicles are able to enter and leave the highway in a forward gear.

**Reason:** To maintain the safety, capacity and use of the local highway network.

#### **10. Green Travel Plan**

Within one year of the occupation of the new school the School's Green Travel Plan shall be reviewed. The reviewed Green Travel Plan shall then be submitted to, and be approved by, the Local Planning Authority and shall include requirements for the provision of: (i) Intelligent staggered starting times for the school (ii) Before and after school club provision (iii) Regular monitoring of on-street parking during peak drop-off and pick up times in the vicinity of the school premises and (iv) Provision of additional cycle storage within the Site.

**Reason:** To ensure that sustainable methods of travel to the school are encouraged and accommodated and to reduce traffic congestion on the local road network.

#### **11. Lighting Scheme**

The Development shall not be Occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include times of operation and a site layout plan showing luminaire types, location, intensity and profiles, mounting heights, beam angles and orientation. All external lighting on the Site shall be installed, maintained and operated in accordance with the details so approved (or any variation of the details approved in writing by the Local Planning Authority).

**Reason:** To ensure appropriate measures are taken in relation to protected species.

#### **12. Fire Fighting Requirements**

The Development shall not be Occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the Site, has been submitted to and approved in writing by the Local Planning Authority. No part of the Development shall be Occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of public safety from fire, and the protection of Emergency Fire Fighters.

### **13. Surface and Foul Water Drainage Schemes**

The Development shall not be Commenced until detailed surface and foul water drainage schemes for the Site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the Development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the Development is completed. The scheme to be submitted shall:

- a. Provide an assessment of flood risk from all sources of flooding including fluvial, pluvial and groundwater flooding.
- b. Carry out infiltration testing in accordance with BRE 365 guidance to clarify whether infiltration into the ground is a viable means of disposing of surface water.
- c. Demonstrate that the surface water drainage system(s) are designed in accordance with (Construction Industry Research and Information Association) CIRIA C753.
- d. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus allowance for climate change critical rain storm to the QBAR (mean annual flood flow) runoff rates (or where this is not reasonably practicable, the most significant betterment over existing runoff rate reasonably achievable) for all return periods.
- e. Demonstrate that the provision of surface water run-off attenuation storage is in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments".
- f. Include detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- g. Include design (plans, network details and calculations) of a proposed foul water drainage scheme and an assessment whether existing drainage connections have adequate capacity. Where existing connections do not provide adequate capacity, the scheme should provide details of proposed on-site amendments required to remedy this.
- h. Include evidence that Severn Trent Water has granted approval of discharge of sewerage to their assets including discharge rate and connection points.
- i. Demonstrate overland flood flow routes in case of system failure, through hydraulically modelling the floodwater outline, indicating flood flow depths and velocities.
- j. Provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the Development.

**Reason:** In order to ensure that the Site is served by an adequate surface water and foul water disposal system and to ensure the Development does not result in excessive surface water from the Site adversely affecting other properties within the locality.

#### **14. Environmental Mitigation Works**

The Development shall not be Occupied unless and until the Environmental Mitigation Works have been completed to the satisfaction (as evidenced by a written approval) of the Local Planning Authority and the Secretary of State for Transport.

**Reason:** To ensure that the environmental effects of the Development are adequately mitigated in accordance with the Environmental Statement.

#### **15. Archaeological Investigation**

The Development shall be undertaken in accordance with a programme of archaeological work and a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** In order to ensure the adequate investigation and recording of archaeological remains in accordance with paragraph 141 of the National Planning Policy Framework.

#### **16. Construction Environment Management Plan**

The Development shall not be Commenced (to include site clearance) until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be informed by surveys undertaken and data gathering carried out prior to its submission and include:

- a. Surveys during best practice periods by an agreed expert to determine the possible presence or absence of particular protected and important species.
- b. Details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing to breed, (ii) in the process of breeding or rearing young.
- c. An appropriate scale plan showing the “Environment Protection Zones” where any construction activities are restricted and where protective measures will be installed or implemented.
- d. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.
- e. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season).
- f. Persons responsible for:
  - i. Compliance with legal consents relating to nature conservation;
  - ii. Compliance with planning conditions relating to nature conservation;
  - iii. Installation of physical protection measures during construction;
  - iv. Implementation of sensitive working practices during construction;
  - v. Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
  - vi. Provision of training and information about the importance of “Environment Protection Zones” to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

**Reason:** In order to comply with statutory wildlife protection legislation and to protect features of recognised nature conservation plus protected and important species.

**17. Biodiversity**

The Development shall not be Occupied until details of measures to be taken on-site to preserve and enhance the biodiversity value of the Site along with details of existing baselines and a timetable showing how those measures will be sequenced with the Development shall be submitted to and be approved by the Local Planning Authority. The measures shall be designed to avoid net biodiversity loss so far as reasonably practicable. The measures approved by the Local Planning Authority in writing (or any variations subsequently so approved) shall be implemented within one year of any permanent building on the Site being first Occupied.

**Reason:** In order to comply with paragraph 118 of the National Planning Policy Framework.

**18. Landscaping and Retention of Trees**

Within six months of the Development being Commenced a landscape scheme (excluding any requirement to carry out the Environmental Mitigation Works required pursuant to Condition 14 above) shall be submitted to and approved by the Local Planning Authority identifying tree planting to be removed, replacement tree planting to be provided, trees and hedgerows to be retained and other new planting to be undertaken on the Site. The approved landscape scheme shall be implemented in the first planting season following completion of the Development and, unless otherwise agreed in writing by the Local Planning Authority, should any plants/trees planted as part of the landscaping scheme die, be removed or become damaged or seriously diseased within five years of the initial planting they shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In order to ensure the satisfactory appearance of the completed Development, to improve the amenities of the local area, to minimise the impact of the loss of trees on the Site and to ensure that there is no net loss of biodiversity on-site.

**19. Access, car parking and service areas**

The new school shall not be Occupied until the access to the public highway and the car parks and service areas have been laid out surfaced and drained in accordance with full construction details and with appropriate visibility splays which shall have first been submitted to and approved by the Local Planning Authority.

**Reason:** In the interests of highway safety and to ensure that the Development is served by acceptable car parking and servicing areas.

**20. Renewable Energy**

Prior to Commencement of the Development a scheme for generating 10% of the predicted energy requirement of the Development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme (or any variation of it approved in writing by the Local Planning Authority)



shall be implemented in each part of the Development before that part is first Occupied and shall remain operational for the lifetime of the Development.

**Reason:** In order to meet the requirements for on-site renewable energy generation contained within the development plan.

**21. Parties authorised to Undertake the Development**

The Development may be undertaken only by Warwickshire County Council, the nominated undertaker appointed under section 45 of the Act, or such other party approved in writing by the Secretary of State for Transport.

**Reason:** In order to comply with the provisions of section 50(5)(b) of the Act.

## **SCHEDULE 2**

### **PLANNING DRAWINGS AND DOCUMENTS**

Location Plan – Plan reference: Z0188-HSA-06-ZZ-PL-A-0002 Rev P1.01  
Site Layout Plan – Plan reference: Z0188-HSA-06-ZZ-PL-A-0004 Rev P 06  
Topographical Survey – Plan reference: 24216\_T Rev 0  
GA Plan – Plan reference: Z0188-HSA-ZZ-00-DR-A-03010\_01 Rev P 01  
GA Elevations – Plan reference: Z0188-HSA-ZZ-ZZ-DR-A-04000 Rev P 02

Transport Statement (August 2017) – Reference: MID4369-R002b  
Travel Plan (August 2017) – Reference: MID4369-R003a  
Arboricultural Survey Report (June 2017)  
Archaeological Trial Trench Evaluation (October 2017) – Reference: WOR14  
Preliminary Ecological Appraisal (September 2016) – Reference: WilDi10  
Geo-Environmental Assessment Report (September 2017) – Reference: C2415