

Extraordinary Planning Committee Overview Report

1. Purpose of the Report

- To explain the committee procedure.
- To set out the Planning Policy and other material considerations common to both applications
- To establish the key issues which are common to both applications.

2. Committee Procedure

- 2.1 This is the first report on the committee agenda for today's meeting. After this report has been considered, and any questions from Members are answered, the further three committee reports will be heard in the order they appear on the agenda.
- 2.2 It is intended that discussion takes place in relation to both sites before any resolution is made on either of the two applications.
- 2.3 The committee will proceed in the following order:
1. Officer Presentation on Overview Report
 2. Officer Presentation on 15/00865/OUT and 15/01531/OUT
 3. Registered Speakers on 15/00865/OUT and 15/01531/OUT
 4. Officer Presentation on Summary Report and response to Issues
 5. Committee debate on 15/00865/OUT and 15/01531/OUT
 6. Committee Members vote on how to determine 15/00865/OUT
 7. Committee Members vote on how to determine 15/01531/OUT

Note: The two application decisions will be taken one after the other. Once a decision has been made on either of the applications, no further committee debate will be allowed and the decision on the remaining application will be taken immediately.

3. Introduction

- 3.1 The applications that are to be heard at this committee meeting relate to proposals for strategic Distribution developments at two sites to the west of Lutterworth. 15/00865/OUT (*db symmetry*) relates land at Glebe Farm, Coventry Road and is for demolition of the existing buildings and erection of up to 278,709sq m of storage distribution. 15/01531/OUT (*IDI Gazeley*) is a hybrid application seeks outline consent on land at Mere Lane, Bittesby and is for the demolition of some of the existing buildings and the erection of up to 419,800sq m of storage and distribution, an educational facility, small business space, and the creation of a Country Park. The application also seeks detailed consent on land to the south of Asda George Headquarters to the south of the A4303 for an HGV parking facility, an HGV Driver Training Centre and a rail freight shuttle terminal.
- 3.2 Consent has previously been granted (15/00919/FUL) to the north west of Magna Park for a 100,000sqm storage and distribution building and associated infrastructure.
- 3.3 **Figure 1** indicates the site areas of each application in the context of the surrounding area. Likewise, **Figure 2** gives an indication of how the area could appear were all three proposals to be granted consent



- 3.4 There are issues common to both planning applications, for example the need for such development, the Socio-Economic impact of the proposals, highways issues and the impact on landscape, and each application is a material consideration in the determination of the other. The components of each scheme are detailed in **Figure 3**.

	15/00865/OUT	15/01531/OUT
Quantum of B8 floor space	278,709sqm	419,800sqm (100,844sqm previously approved through 15/00919/FUL, therefore proposal is for 318,956sqm additional floor space)
Maximum building Height	<ul style="list-style-type: none"> • 18m to ridge • 145m AOD 	<ul style="list-style-type: none"> • 23m to ridge (previously approved through 15/00919/FUL, highest additional building is 18.5m) • 142.6m AOD (previously approved through 15/00919/FUL, highest additional building is 139m AOD)
Maximum B8 floor space within any 1 parcel	120,709sqm	163,000sqm
Infrastructure Provision	<ul style="list-style-type: none"> • Creation of access roundabout on A4303 • Creation of emergency access on to A5 • Creation of SUDS facilities 	<ul style="list-style-type: none"> • Creation of additional access roundabout on A5 over and above that previously approved through 15/00919/FUL) • Creation of SUDS facilities • Creation of rail freight shuttle terminal
Lorry Park Capacity / facilities	<ul style="list-style-type: none"> • 52 spaces for use by Symmetry Park users only 	<ul style="list-style-type: none"> • 134 spaces for use by Magna Park users only (existing and proposed) • Vehicle wash • Fuel facility • HGV Driver training facility
Other elements	<ul style="list-style-type: none"> • Demolition of Glebe Farm • Creation of Country Park 	<ul style="list-style-type: none"> • Demolition of Lodge and Emmanuel Cottages (approved as part of 15/00919/FUL) and Bittesby Cottages. • Retention and re-use of Bittesby House and relevant outbuildings. • Logistics Institute of Technology, Estate Office. • Creation of Country Park and Meadow Land. • Provision of Innovation Centre • Provision of small business units

Figure 3: Components of Schemes

- 3.5 This overview report is in addition to each of the detailed reports on the two applications and sets out the common considerations and establishes the issues which are common to both proposals. Members are referred to the detailed reports for full consideration of the merits of the applications.
- 3.6 Throughout the report, a number of reports and studies are referred to. To aid the reader, these are shortened to their relevant acronym, a list of which is available at **Figure 4**.

Acronym	Meaning / Report Name
(L)LCA	(Local) Landscape Character Assessment
ALC	Agricultural Land Classification
ANPR	Automatic Number Plate Recognition
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
BMV	Best and Most Versatile Land
CA	Conservation Area
CBLO	Community Business Liaison Officer
CEMP	Construction Environment Management Plan
CHA	County Highways Authority
CIL	Community Infrastructure Levy
CJBES	Construction Job Business Employment Strategy
CLP	Construction Liaison Plan
CNG	Compressed Natural Gas
CPRE	Commission for the Protection of Rural England
CS	Harborough District Core Strategy 2006-2028
DAS	Design and Access Statement
db symmetry	Planning Application 15/00865/OUT – Land at Glebe Farm, Coventry Road
DBA	Desk Based Assessment
DIRFT	Daventry International Rail Freight Terminal
DMV	Deserted Mediaeval Village
DP	Development Plan
DPD	Development Plan Document
DtC	Duty to Cooperate
ECMS	Ecological Construction Method Statement
EDP	Environmental Dimensions Partnership Ltd
EHO	Environmental Health Officer
EIA	Environmental Impact Assessment
ES	Environmental Assessment
FEMA	Leicester and Leicestershire Functional Economic Market Area
FFL	Finished Floor Level
FRA	Flood Risk Assessment
fte	Full Time Equivalent
FUL	Full application
GCN's	Great Crested Newts
GHG's	Green House Gasses
GVA	Gross Value Added
HBO	Historic Buildings Officer
HDLP	Harborough District Local Plan 2001-2011
HEDNA	Leicester and Leicestershire Housing and Economic Development Needs Assessment (2017)
HER	Historic Environment Record
HMA	Housing Market Area
HPIG	Leicester and Leicestershire Housing Planning and Infrastructure Group
IDI Gazeley	Planning Application 15/01531/OUT – Land at Mere Lane, Bittesby
JSA	Job Seekers Allowance
KAO	Key Area of Opportunity
LCC	Leicestershire County Council
LCS	Landscape Capacity Study
LDSGP	LLEP Logistics Distribution Sector Growth Plan (June 2015)
LEAMP	Landscape, Ecology and Arboricultural Management Plan

LIT	Logistics Institute of Technology
LLEP	Leicester and Leicestershire Economic Partnership
LLFA	Leicester and Leicestershire Lead Local Flood Authority
LLSEP	Leicester and Leicestershire Strategic Economic Plan 2014 – 2020
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LPEAP	Harborough District Council Local Plan Executive Advisory Panel
LPG	Liquid Petroleum Gas
LRBG	Leicestershire and Rutland Badger Group
LRERC	Leicestershire and Rutland Ecological Records Centre
LTP	Leicestershire Local Transport Plan
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MPEGSS	Magna Park Employment Growth Sensitivity Study (2017)
MPL	Magna Park Lutterworth
NDC's	National Distribution Centres
NOEL	No Observed Effect Level
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPSE	Noise Policy Statement for England (2010)
NTS	Non-Technical Summary
OAN	Objectively Assessed Need
OLP	Occupation Liaison Plan
OUT	Outline application
PBA	Peter Brett Associates Ltc
PBA	Peter Brett Associates LLP
PLWS	Place of Local Wildlife Significance
PM ₁₀	Particulate Matter smaller than 10micrometers
PM _{2.5}	Particulate Matter smaller than 12.5micrometers
PPA	Planning Performance Agreement
REM	Reserved Matters application
SA	Sustainability Appraisal
SDS 2014	Leicester and Leicestershire Strategic Distribution Sector Study (November 2014)
SDS 2016	Leicester and Leicestershire Strategic Distribution Sector Study – Refresh (September 2016)
SELAA	Strategic Employment Land Availability Assessment (March 2017)
SM	Scheduled Monument
SOAEL	Significant Observed Adverse Effect Level
SPG	Supplementary Planning Guidance
SRFI	Strategic Rail-Freight Interchange
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TA	Transport Assessment
TLP	The Landscape Partnership Ltd
TP	Travel Plan
VER	Valued Ecological Receptor
WBRC	Warwickshire Biological Records Centre
WCC	Warwickshire County Council
WHO	World Health Organisation

Figure 4: List of regularly used acronyms and their meanings

4. Policies and Considerations common to both proposals

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the development plan (this is the statutory presumption) (hereafter referred to as the 'DP'), unless material considerations indicate otherwise.

a) Development Plan

- 4.2 Section 38(3) (b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.

- 4.3 The DP for Harborough therefore comprises:

- The Harborough District Core Strategy adopted November 2011; and
- The saved policies of the Harborough District Local Plan adopted April 2001.

- *Harborough District Core Strategy*

- 4.4 The Core Strategy (hereafter referred to as the 'CS') was adopted in November 2011 and covers the period from 2006 to 2028.

- 4.5 **Policy CS1: Spatial Strategy for Harborough** sets out the spatial strategy for Harborough, the principal aim of which is to maintain the District's "unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services". CS1 seeks to achieve that aim by, amongst other ways, **(CS1f)** developing Lutterworth as a "Key Centre" with additional housing, employment, retail, leisure and community facilities to serve the settlement and its catchment area; **(CS1j)** allocating new employment land with the Allocations Development Plan Document to ensure that "any losses in the overall stock of employment land are suitably replaced"; **(CS1k)** identifying existing sites of "important employment use" and safeguarding their function through the designation of Key Employment Areas; **(CS1n)** developing the green infrastructure assets of the District; **(CS1o)** supporting development which protects, conserves, and enhances the District's built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District's carbon emissions.

- 4.6 **Policy CS5: Providing Sustainable Transport** states that future development in the District will seek to maximise the use and efficiency of existing transport facilities and achieve the "best overall effect" for transport for the District "as it looks for a lower carbon future". To achieve this aim, CS5 states (amongst other things): **(CS5a)** the "majority" of future development will be located in areas well-served by local services, where there is convenient access to public transport services for longer journeys and where local journeys can be undertaken on foot or by bicycle; **(CS5b)** all significant development proposals should provide for the co-ordinated delivery of transport improvements outlined in the place-based policies of the Strategy; and **(CS5c)** the type of transport enabling and mitigation works provided by each development should be geared to transport improvements that are beneficial to the wider area and which can complement works to be provided by other developments.

- 4.7 **Policy CS7: Enabling Employment and Business Development** states that economic and employment development "will be enabled within Harborough District in support of the sub-regional economic growth of Leicester and Leicestershire". **CS7c** states that to achieve that aim, the spatial strategy "seeks to" review existing employment sites and allocations in the District in the Allocations Development Plan Document and "confirm a portfolio of sustainable sites, of the right quality and at the right time, to meet any identified shortfalls in future need" using a criteria based

assessment that will include “accessibility tests, policy factors, market attractiveness, sustainable development and strategic planning factors”. **CS7d** says that it will designate “Key Employment Centres” in Market Harborough, Key and Rural Centres; and CS7e says that proposals to renew or upgrade other employment areas will be approved where, “based on an up to date assessment of employment land needs” they are not detrimental to the overall level of employment provision in the area.

- 4.8 **CS7f** supports employment development within the “countryside, beyond towns and villages, only where it contributes to the retention and viability of rural services or land based business, aids farm diversification, or promotes the conversion and re-use of existing buildings “particularly those adjacent to or closely related to towns or villages”.
- 4.9 **CS7h** seeks to protect “Magna Park’s unique role as a strategic distribution centre (B8 uses / Min size 10,000 m2) of national significance and an exemplar of environmental performance.” CS7h goes on to say, “No further phase of development or large scale expansion of the site, beyond the existing development footprint (to be defined in the Allocations DPD) will be supported.”
- 4.10 The CS written statement explains that the employment need evidence base for Policy CS7h is the 2008 Leicester and Leicestershire HMA Employment Land Study 2008 which found “no overall strategic need” for additional employment land in the District over the plan period (paragraph 5.89). Paragraph 5.70 of the statement goes on to explain that “Harborough’s contribution to Leicestershire’s economic growth is to sustain local economic prosperity; enable businesses to start and grow; and making local as opposed to strategic provision for employment needs.” Paragraph 5.73 elaborates on that position in respect to Magna Park and says the “site meets a regional, or strategic, rather than local need and concludes –that because of future road / rail network developments, travel to work patterns, the mismatch between the logistics’ sector’s occupational structure and the District’s skills base, that there are “more suitable locations and sites (both rail and non rail-linked) than Magna Park” to meet the forecast need for strategic distribution to 2026. That is despite even the 2008 study finding a shortfall of 32.9 ha over the 2007-2026 period between the demand for logistics warehousing and the supply of land to accommodate it.
- 4.11 Nonetheless, paragraph 5.69 of the statement explains, “existing employment provision will be re-assessed and depending on particular circumstances, additional site allocations will be considered via the Allocations DPD and applications for additional employment sites may be permitted.” However, no Allocations DPD was ever prepared. Instead consultation on the options for the location of development to inform a new Local Plan is in progress.
- 4.12 **Policy CS8: Protecting and Enhancing Green Infrastructure** seeks to secure a high quality, accessible and multi-functional green infrastructure network across rural and urban parts of the District. Green infrastructure will be encouraged through the promotion of, amongst other things, recreation, tourism, education, biodiversity, and the protection and enhancement of heritage assets. The means include developer contributions to improve the quality, use and multi-functionality of the green infrastructure assets and making use of opportunities to maximise the potential of existing and new green space.
- 4.13 **Policy CS8d** states that the Council and its partners will (amongst other things): protect, manage and enhance the District’s biodiversity assets (including those that are not designated); encourage the restoration of fragmented habitats, promote the management of biodiversity (encouraging the maintenance of wildlife corridors,

ecological networks and “stepping stones” at a local level that contribute to the sub-region’s Green Infrastructure Network); avoid demonstrable harm to habitats or species which are protected or important to diversity; require proposed new developments to incorporate beneficial features for biodiversity “as part of good design and sustainable development”; and support measures aimed at allowing the District’s flora and fauna to adapt to climate change.

- 4.14 **Policy CS9: Addressing Climate Change** states that development which adapts to climate change and helps to reduce the District’s carbon emissions will be supported through the means listed in CS9a)-CS9f). **CS9a** directs new development to the most sustainable locations and militates against any impacts on the environment; **CS9b** prioritises brownfield land; **CS9c** supports and encourages sustainable construction materials and methods; **CS9d** encourages new non-residential developments to meet a BREEAM assessment of “very good” and, from 2016, “excellent” and on-site or decentralised renewable energy to provide a minimum of a site’s total energy requirements. **CS9e** promotes the use of standalone renewable and low carbon energy sources – subject to (amongst other things) siting that avoids harm to heritage assets, minimal impact on local landscape character and does not create overbearing cumulative noise or visual impacts. **CS9f** supports additional innovations which have a positive impact on climate change adaptation – and states that the innovations supported include appropriate shading and planting, Sustainable Urban Drainage Systems, rain harvesting and storage, and grey water recycling.
- 4.15 **CS10: Addressing Flood Risk** states that new development will be directed towards areas at the lowest risk of flooding within the District; with priority given to land within Flood Zone 1. The use of Flood Zones 2 and 3a for recreation, amenity and environmental purposes will be supported where an effective means of flood risk management is evident. All new development will be expected to ensure that it does not increase the level of flooding experienced in other areas of the District. Surface water run-off in all developments should be managed, to minimise the net increase in the amount of surface water discharged into the local public sewer system.
- 4.16 **CS11: Promoting Design and Built Heritage** seeks the highest standards of design in new development to create attractive places for people to live, work and visit. **CS11a** states that development should be inspired by, respect and enhance local character, building materials and distinctiveness of the area; **CS11b** obliges all development to respect the context in which it is taking place and respond to the unique characteristics of the individual site and wider local environment beyond the site’s boundaries, and states that new development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or a locality. **CS11c** states that development should be well-planned so that, amongst other ways, it is of a scale, density and design that would not cause damage to the qualities, character and amenity of the area in which it is situated; ensures that the amenities of existing and future neighbouring occupiers are safeguarded; where appropriate, encourages travel by a variety of modes of transport; and minimises waste and encourages re-use and recycling wherever possible. **CS11d** states that the heritage assets within the District, and their setting, will be protected, conserved and enhanced, ensuring that residents and visitors can appreciate and enjoy them, and that Scheduled Monuments and non-scheduled nationally important archaeological remains and other areas of archaeological potential will be safeguarded. The Policy encourages improved access to buildings and places of heritage for local people and visitors. In this context it is important to note section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which provides that In considering whether to grant planning permission for development which affects a listed building or its setting, a

local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In substance this provides for statutory presumption in favour of the preservation of listed buildings and their settings and any harm to the significance of a listed building should be given considerable importance and weight in the overall balance. Section 72 of the same Act places a requirement on a local planning authority in relation to development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This too is a statutory presumption in favour of preservation and, if harm is caused to a Conservation Area that should be given considerable importance and weight.

- 4.17 **CS Policy CS14: Lutterworth** states that the town will be developed as a Key Centre for the District to provide new housing, employment, retail, leisure and community facilities to serve the settlement and its catchment area. The policy states that in doing so steps will be taken to accommodate businesses dependent on HGV access in locations where such traffic does not need to travel through the town centre.
- 4.18 **CS14b** states that transport interventions associated with additional development in and around Lutterworth will focus on improving air quality and reducing the adverse impacts of traffic flow in the town centre. Amongst other ways, this is to be achieved by resisting development that would result in additional HGVs passing through the town centre; supporting routeing schemes for Magna Park; locating future HGV generating business developments to the south of the town with good access to the M1, the A4303 and A426; and improving links within the existing urban area for walking, cycling and local bus provision.
- 4.19 **CS14d** states that employment development will be supported which strengthens the role of Lutterworth as a Key Centre within the District and reinforces the Spatial Strategy set out in Policy CS1, and that any additional proposals for business development in Lutterworth which require access by heavy goods vehicle should be located near the M1, A426 and A4303.
- 4.20 **CS14e** states that the principle of a separation area between Magna Park, Bitteswell and Lutterworth will be maintained to ensure the retention of the identity and distinctiveness of these nearby places. Proposals leading to the formation of accessible natural and semi natural green space, tree planting, improved local routes for walking, horse riding and cycling and the promotion of improved biodiversity will be supported in this area.
- 4.21 **CS17: Countryside, Rural Centres and Rural Villages** states that outside the named rural settlements, “new development in the Countryside and other settlements not identified as selected rural villages will be strictly controlled.” Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, that supports visits to the countryside and renewable energy production will be appropriate in the countryside. **CS17c** states that “rural development” will be located and designed in a way that is sensitive to its landscape setting, retaining, and where possible, enhancing the distinctive characteristics of the landscape character area in which it is situated. CS17c refers to the district’s five landscape areas, and sets a number criteria to be met by development in those areas – including:
- protecting and, where possible, enhancing the character and quality of the landscape in which the development is situated (CS17ci)
 - conserving and, where possible, enhancing local landscape distinctiveness (CS17cii)

- protecting and, where possible, enhancing local character through appropriate design and management which is sensitive to the landscape setting (CS17ciii)
 - avoiding the loss of features and habitats of landscape, historic, wildlife or geological importance, whether of national or local significance (CS17civ)
 - safeguarding important views and landmarks (CS17cv)
 - protecting the landscape setting of individual settlements (CS17cvi)
 - restoring, or providing mitigation proportionate in scale for damaged features/landscapes in poor condition (CS17cvii)
 - improving the green infrastructure network, including increased opportunities for public access to the countryside and open space assets (CS17cviii).
- *Harborough District Local Plan – April 2011*
- 4.22 The sole saved policies of the 2001 Local Plan that are relevant are:
- saved policy EV2, which seeks to protect the open and undeveloped character of defined Green Wedges (one of which lies between Lutterworth and Magna Park)
 - saved policy EV3, which responds to the statement (paragraph 3.9) that most settlements in the district are physically separated from each other such that “there is little danger of new development resulting in the coalescence of villages” – but that Lutterworth, Bitteswell and Magna Park (and two others) are exceptions. Thus EV3 says it will refuse planning permission for development between Lutterworth, Bitteswell and Magna Park that would adversely affect the predominantly open character of land, or result in a reduction of open land separating these settlements.

b) Material Planning Considerations

- 4.23 The material considerations to be taken into account in considering the merits of this application include, amongst others, the National Planning Policy Framework, the National Planning Policy Guidance, the Environmental Statement information, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.
- *The National Planning Policy Framework*
- 4.24 The National Planning Policy Framework (hereafter referred to as ‘The Framework’) published in March 2012 replaces previous national guidance set out in Planning Policy Guidance and Planning Policy Statements.
- 4.25 The overarching policy objective of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision-taking.
- 4.26 Paragraph 7 of The Framework identifies three dimensions to sustainable development: economic, social and environmental. These can be defined as follows:
- an economic role – contributing to building a strong, response and competitive economy by ensuring that sufficient land of the right type and in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirement, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities by, amongst other things, creating a high quality built environment, with accessible local services that reflect the community’s needs and support health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment and, as part of this, helping to improve biodiversity,

use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

- 4.27 These issues are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (paragraph 8). The presumption in favour of sustainable development is the “golden thread” that should run through both plan-making and decision-taking.
- 4.28 Paragraph 11 confirms that planning applications must, by law, be determined in accordance with the development plan unless material considerations indicate otherwise – and that the statutory basis for such decisions is not changed by the NPPF. It counsels, however, that it is “highly desirable” that local planning authorities should have an up-to-date plan in place.
- 4.29 The Framework indicates that where development accords with an up to date DP it should be approved (paragraph 12).
- 4.30 Paragraph 14 of the Framework states that when making decisions on development proposals the decision maker should “approve development proposals that accord with the DP without delay”. It goes on to say where the DP is absent, silent or where relevant policies are out of date, permission should also be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, or specific policies in the Framework suggest development should be restricted.
- 4.31 Paragraph 17 sets out the 12 core ‘planning principles’ which should underpin decision making. Summarising, they should:
- 1) be led by local plans which set out a vision for the future of the area;
 - 2) enhance and improve the places where people live;
 - 3) drive sustainable development;
 - 4) secure a high quality of design and a good standard of amenity;
 - 5) protect the diversity of different areas;
 - 6) support the transition to a low-carbon future;
 - 7) help conserve and enhance the natural environment;
 - 8) encourage the re-use of land;
 - 9) promote mixed use developments;
 - 10) conserve heritage assets;
 - 11) make full use of public transport, walking and cycling; and
 - 12) improve health, social and cultural wellbeing.
- 4.32 Paragraph 19 states, “Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”
- 4.33 Paragraph 20 states that in order to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 4.34 Paragraph 21 states that in drawing up Local Plans local planning authorities should, amongst other things, support existing business sectors, taking account of whether they are expanding or contracting.

- 4.35 Paragraph 29 says that the transport system needs to be balanced in favour of sustainable transport modes but that the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 4.36 Paragraph 31 states that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including rail freight interchanges and other major generators of travel demand within their areas.
- 4.37 Paragraph 32 advises developments that generate significant amounts of movements should be supported by a Transport Assessment and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 4.38 Paragraph 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies;
 - have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities.
- 4.39 Paragraph 56 explains the great importance Government attaches to the design of the built environment: that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 4.40 Paragraph 58 states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping.
- 4.41 Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 4.42 Paragraph 61 states that securing high quality and inclusive design goes beyond aesthetic considerations. Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

- 4.43 Paragraph 69 sets out how the planning system can play “an important role in facilitating social interaction and creating healthy, inclusive communities”. Paragraph 69 states that LPAs, in making planning decisions, should aim to achieve places which promote safe and accessible environments where crime and disorder do not undermine quality of life or community cohesion, and safe and accessible developments, containing clear and legible pedestrian routes, and quality public space.
- 4.44 Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 4.45 Paragraph 75 seeks to protect and enhance public rights of way and access and seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 4.46 The NPPF recognises that action to reduce the impact of human activity on the climate system will be achieved primarily through reducing greenhouse gas emissions. Paragraph 93 emphasises that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure; and makes it clear that it is this that is central to the economic, social and environmental dimensions of sustainable development.
- 4.47 To support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption unless it can be demonstrated that this is not feasible or viable; and (Paragraph 96).
- 4.48 Paragraph 99 restates the need for new development to be planned to avoid increased vulnerability to the range of impacts arising from climate change. Paragraphs 100 and 103 direct development away from areas at the highest risk of flooding and which does not increase flood risk elsewhere.
- 4.49 Paragraph 109 states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising the impacts on biodiversity and providing net gains in biodiversity where possible to establish coherent ecological networks that are more resilient to current and future pressures. It seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution and land instability.
- 4.50 Chapter 11, Paragraph 112, advises planning decisions should encourage the effective use of land by re-using land that has been previously developed; take into account the economic and other benefits of the best and most versatile agricultural land; conserve and enhance biodiversity and green infrastructure; ensure new development is appropriate for its location taking account of ground conditions.
- 4.51 Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. They should refuse planning permission for development that would cause significant harm where this harm cannot be avoided, adequately mitigated or compensated for. Opportunities to incorporate biodiversity in and around developments should be encouraged.

- 4.52 Paragraph 120 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 4.53 Paragraph 123 states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Decisions should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 4.54 Paragraph 124 states that planning policies should sustain compliance with, and contribute towards, EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and cumulative impacts on air quality from individual sites in local areas.
- 4.55 Chapter 12 outlines how LPA's should determine applications that affect the historic environment. Paragraphs 126 and 131 state that LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, as well as opportunities to draw on the contribution made by the historic environment to the character of a place. The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be taken into account in decision taking.
- 4.56 Paragraph 128 states that LPAs should require applicants for planning permission to describe the significance of any affected assets (including their setting), providing a level of detail appropriate to their significance using appropriate expertise to do so where necessary.
- 4.57 Para 129 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.58 Paragraph 131 states in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.59 Paragraph 132 advises that great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. The more important the designated asset, the greater the weight should be. It goes on to advise, that significance can be harmed or lost through alteration or destruction of the designated heritage asset or development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- 4.60 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use
- 4.61 Paragraph 135 refers specifically to non designated heritage and requires a balanced judgement to be made. Paragraph 136 provides that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking reasonable steps to ensure that the new development will proceed after the loss has occurred.
- 4.62 Paragraph 137 states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets “to enhance or better reveal their significance”; and states that proposals that “preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.
- 4.63 Paragraph 141 states that Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible
- 4.64 Paragraph 157 explains the “crucial” requirement for local plans to “plan positively for the development and infrastructure required in the area” (bullet 1); be based on cooperation with neighbouring authorities; allocate sites to promote development and flexible use of land, bringing forward new land where necessary (bullet 5).
- 4.65 paragraphs 160-161 set out the obligation on LPAs to have a clear understanding of the business needs within the economic markets operating in and across their area - and, in developing that understanding, to work together with neighbouring authorities to develop and maintain a robust evidence base and to work closely with the business community to understand their changing needs and identify and address barriers to investment. (NPPF paragraphs 160-161)
- 4.66 Paragraphs 178-179 guide performance of the “duty to cooperate” within plan preparation in relation to planning issues that cross administrative boundaries - to meet development requirements which cannot be met in their own areas – “for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the NPPF”

- 4.67 At Paragraph 186 the Framework advises LPA's to approach decision-taking in a positive way to foster the delivery of sustainable development and seek to approve applications for sustainable development where possible.
- 4.68 Paragraph 187 states that LPAs should "look for solutions rather than problems". Decision-takers "at every level should seek to approve applications for sustainable development where possible", working "proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."
- 4.69 Paragraph 190 recognises that the more issues that can be resolved at the pre-application stage, the greater the benefits. Paragraph 191 also states that the participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle.
- 4.70 Paragraph 196 reiterates Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the DP unless there are material considerations which indicate otherwise and advises the Framework is a material consideration in planning decisions.
- 4.71 In respect of planning obligations, the Framework advises that these should only be used where it is not possible to address unacceptable impacts through a planning condition. They should, in addition, meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- Where obligations are being sought or revised, LPA's should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- 4.72 Paragraph 206 advises LPA's to only impose planning conditions where they meet six tests. Conditions should be:
- i) necessary,
 - ii) relevant to planning
 - iii) relevant to the development to be permitted,
 - iv) enforceable,
 - v) precise and
 - vi) reasonable in all other respects.
- 4.73 Annex 1 to the Framework advocates how the Framework should be implemented. In particular it advocates:
- only due weight should be given to relevant policies in a Local Plan according to their degree of consistency with the Framework and
 - the weight to be afforded to emerging plans, which is to be determined having regard to their stage of preparation, the extent of unresolved objections and the degree of consistency with the Framework.
- *Noise Policy Statement for England 2010 (NPSE)*
- 4.74 The vision of the NPSE is to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development. The aim of the NPSE is through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development to:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

The intention is that the NPSE should apply to all types of noise apart from noise in the workplace (occupational noise). For the purposes of the NPSE, “noise” includes:

- “environmental noise” which includes noise from transportation sources;
- “neighbour noise” which includes noise from inside and outside people’s homes; and
- “neighbourhood noise” which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.

- 4.75 The application of the NPSE should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.
- 4.76 In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.
- 4.77 There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:
- NOEL – No Observed Effect Level - This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
 - LOAEL – Lowest Observed Adverse Effect Level – This is the level above which adverse effects on health and quality of life can be detected.
- 4.78 Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.
- SOAEL – Significant Observed Adverse Effect Level – This is the level above which significant adverse effects on health and quality of life occur.
- 4.79 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.
- 4.80 The first aim of the NPSE is to avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development.
- 4.81 The second aim of the NPSE is to mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. The second aim of the

NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8).

- 4.82 The third aim of the NPSE is to, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. This aim seeks, where possible, to positively improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.
- *National Planning Practice Guidance*
- 4.83 The National Planning Practice Guidance (hereafter referred to as the NPPG) published 6th March 2014 replaces a raft of previous planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process. The PPG complements The Framework.
- 4.84 Set out below are the topic areas contained within the PPG that are of most relevance to the consideration of the proposal:
- Design
 - Design and Climate Change
 - Air Quality
 - Housing and Economic Development Needs
 - Natural Environment
 - Heritage
 - Renewable and Low Carbon Energy
 - Noise
- *New Local Plan*
- 4.85 On 3 December 2012, the Council resolved to prepare a new Local Plan for Harborough District. The new Local Plan will incorporate a focused review of the Harborough CS (adopted in November 2011) and will also identify key areas of land for development, thereby obviating the need for an allocations plan.
- 4.86 The new Local Plan scoping consultation was completed in April 2013. The Scoping Consultation noted that the Plan Period would be extended to 2031. The pre-submission consultation is currently taking place, with an examination timetabled for Spring 2018. It is envisaged that the plan will be adopted no earlier than Summer 2018. Consequently, the emerging plan carries **very limited weight** in determining this application.
- 4.87 In terms of evidence base, the Leicester and Leicestershire Strategic Distribution Sector Study (SDSS 2014, 2016) (see **Para's 4.102 – 4.122**) concluded that the key to maintaining the East Midlands and Leicestershire's competitive advantage in the logistics sector is the continued development of new commercially attractive sites. The study forecast predicted a total gross new-build floor-space and land requirement for the Housing Market Area of 1,445,000sqm which equates to 361ha of required land. Taking the study recommendation and conclusions together, when preparing Local Plan and policies, the evidence states that the demand forecast

figures should be viewed as minimum requirements going forward, not 'targets' or maximum levels of provision not to be exceeded.

- 4.88 The minimum floor space and land requirements are not disaggregated by individual districts. The Leicester and Leicestershire Housing and Economic Development Needs Assessment HEDNA (2017) (see **Para's 4.132 – 4.135**) assumes that the minimum requirement set out in the SDSS study will be met and forecasts the housing requirement arising from it, in addition to the other components of population growth. Evidence indicates that completions and commitments in the District (at March 2017) and across the HMA (to June 2016) are sufficient to meet the minimum for non railserved sites need without further allocation, however, market demand for sites in this District remains high. The SDSS, and success of Magna Park and market demand for further development, supports the case for the Harborough District to continue contributing towards meeting the future needs of the sector. The available evidence does not set out an upper limit for strategic distribution in the HMA and the Council, through the Local Plan process, is positively planning for an appropriate level of strategic distribution development.
- 4.89 In May 2017 a Duty to Cooperate Workshop with neighbouring authorities highlighted that further work was required to support the Draft Proposed Submission Local Plan and Policy BE2 relating to strategic distribution. There was a clear need to consider whether any proposed increase in strategic distribution development above that assumed within the HEDNA (2017) would have any significant impact on housing and employment requirements and their distribution. In particular, consideration was required of the need to place an upper limit on potential strategic distribution development to address concerns regarding impacts on housing and employment from other Local Authorities. The aim was to ensure that the relationship between the level of employment growth being promoted within the District and the proposed level of housing growth was balanced and sound. This must be clearly evidenced to ensure that a requirement of the HEDNA is met and any resulting Duty to Cooperate matters could be addressed.
- 4.90 The Magna Park Employment Sensitivity Study (see **Para's 4.123 – 4.131**) was therefore undertaken during July and August 2017 to understand the housing and employment implications of levels of strategic distribution growth in the District above that assumed for within the HEDNA 2017 and to provide evidence to support the Draft Proposed Submission Local Plan.
- 4.91 A report on the emerging conclusions of the Employment Sensitivity Study was presented to Local Plan Executive Advisory Panel on the 24th July 2017. This report included a revised Policy BE2: Strategic Distribution, informed by the results of the Study, identifying the proposed quantum of strategic distribution for the plan period of 700,000 sq m. gross of additional strategic distribution floorspace.
- 4.92 Policy SS1 of the emerging New Local Plan states:
The spatial strategy for Harborough District to 2031 is to:
2) *enable housing and commercial development, during the period 2011- 2031, including:*
c. *Strategic storage and distribution: safeguard existing provision at Magna Park and ensure further sites contribute towards meeting the future requirement for non rail-served land across Leicester and Leicestershire in accordance with Policy BE2.*

- 4.93 The amount of Strategic Distribution sector growth proposed within Local plan policy BE2 takes account of the inter relationship with housing needs. The conclusion from the Magna Park Employment Sensitivity Study is that;
- At the Leicester and Leicestershire level, the HEDNA's objectively assessed housing needs (OAN) conclusions remain true and robust both for the Leicester and Leicester HMA and the OAN of 532 dwellings per annum for Harborough District remains the baseline housing need to 2031;
 - Any growth at Magna Park would not increase the OAN for the Harborough District but would lead to a small increase in housing requirement to 557 for the District (on which the 5 year supply would in future be judged);
 - However, the total amount of housing provision in the Local Plan (640 p.a. and 12,800 in total) is sufficient to cover this increase.
- 4.94 Draft Policy BE2:2 of the forthcoming New Local Plan states:
Additional development of up to 700,000 sq.m. for non rail-served strategic storage and distribution (Class B8) use will be permitted where it would:
- a. form an extension of, or be on a site adjoining, Magna Park;*
 - b. support or at least have no adverse impact on the viability and deliverability of existing or further Strategic Rail Freight Interchanges (SFRI's) within or serving neighbouring authorities and Leicestershire;*
 - c. increase employment opportunities for local residents, including training and apprenticeships;*
 - d. include measures to enable an increase in the proportion of the workforce commuting from locations within Harborough District;*
 - e. not lead to severe traffic congestion anywhere on the nearby strategic and local road network, particularly the A5, whether within Harborough District or outside; and*
 - f. ensure 24 hour operations do not have an unacceptable environmental, community or landscape impact in the immediate and wider surrounding area.*
- The applicants for each application have submitted a statement of conformity setting out how they consider that their applications comply with this draft Policy. These Statements can be seen at **Appendix B** of each of the individual Application reports.

c) Other Relevant Documents

- *Community Infrastructure Levy Regulations*
- 4.95 The Community Infrastructure Levy (hereafter referred to as 'CIL') is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.
- 4.96 Regulation 122 of the CIL Regulations 2010 introduced into law three tests for planning obligations in respect of development that is capable of being charged CIL. Obligations should be:-
- necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*
- 4.97 Although publication of the PPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the PPG.

- *Supplementary Planning Guidance*
- 4.98 A series of guidance notes were adopted as Supplementary Planning Guidance (hereafter referred to as 'SPG') to the Harborough District Local Plan in March 2003. They cover a range of topics relating to layout and design issues. Council agreed (19th December 2011) to retain the said SPGs and link them to CS policies as applicable, until a new Supplementary Planning Document is produced. The relevant SPGs are:
 - SPG 7 - Industrial and Commercial Layout and Design
 - SPG 10 -Trees and Development
 - SPG 11 - Hedges and Development
 - SPG 12 - Lighting in the Town and Country
- *Leicester & Leicestershire Strategic Economic Plan 2014-2020 (LLEP)*
- 4.99 The Economic Plan sets ambitious targets for 'Place', 'Business' and 'People' development in terms of job creation (45,000 jobs), leveraging private investment (£2.5bn) and increasing GVA (by £4bn). It identifies a lack of suitable land for our most land intensive priority sectors (logistics and manufacturing) as 1 of 5 major risk to the areas economy. In particular the SEP promotes 5 growth areas in Leicestershire (keep Figure 9), including South West Leicestershire which impacts on the west of Harborough district.
- *LLEP-Logistics Distribution Sector Growth Plan (June 2015)*
- 4.100 The Growth Plan sets out actions to support growth in the sector addressing people, business, place, and the environment. It identifies issues of recruitment (i.e. Drivers, warehouse operatives, the young and unemployed), career development, training and sector perception, business advice and support, land and roadside facilities provision, and environmental improvement. Underpinning the 'Place' element of the action plan is a commitment to implementing the recommendations of the SDSS for collaboration between LPAs to ensure that land and premises provision continues to meet sector needs in the short, medium and long term.
- 4.101 Leicester & Leicestershire Growth Plan 2050: the Strategic Planning Group, on which the LLEP and local authorities are represented, is in the formative stages of agreeing combined governance arrangements and a schedule for the preparation of a strategic growth plan for the area which aligns long term economic and spatial development ambitions.
- *Leicester and Leicestershire Strategic Distribution Sector Study (SDS) (November 2014)*
- 4.102 In December 2013 the Leicester and Leicestershire Housing Planning and Infrastructure Group (HPIG) commissioned *MDS Transmodal and Savills* to undertake a study examining the strategic distribution sector in the county. HPIG represents the county's local planning authorities, Leicestershire County Council and the Leicester and Leicestershire Local Enterprise Partnership (LLEP) on spatial planning matters. The main objectives of the study were to enable a better understanding of the sector and objectively determine future need, together with managing change and supporting sustainable economic growth.
- 4.103 It is also important that the SDS is considered alongside the LLEP's Strategic Economic Plan 2014-2020 (SEP). The 'ambition' of the SEP is to create an additional 45,000 jobs, lever £2.5 billion of private investment and increase GVA by £4 billion to 2020. In particular, the SEP is promoting five growth areas in Leicestershire, as illustrated at **Figure 5**.



Figure 5 – The LLEP Growth Areas (Source: SDS: Executive Summary)

- 4.104 The study was undertaken in three phases, with Parts A and B being of most relevance to the decision making process:
- Part A: Review and Research;
 - Part B: Planning for Change and Growth; and
 - Part C: Developing a Strategy for the Distribution Sector in Leicestershire
- 4.105 Analysis was undertaken in Part B of the SDS assessing total supply chain operating costs which would be incurred by a National Distribution Centre (NDC) occupier located in the golden triangle and at competing locations/sites to the north and east of the Golden Triangle or within Port areas. The outputs of the analysis demonstrated that, given a choice of sites, a major distribution centre operator would be expected to locate at a rail served site in the Golden Triangle as it continues to offer the most competitive location, particularly when handling a mixture of deep-sea, EU and domestic sourced cargo. Consequently, the key to addressing the identified challenges to the Golden Triangle (and by implication Leicestershire), and hence maintaining the established competitive advantage, is the development of new commercially attractive strategic sites in Leicestershire and the East Midlands which will be directly rail-served.
- 4.106 Conversely, the inability to bring forward a range of commercially attractive sites in Leicestershire (and the wider golden triangle) would most likely result in an overall reduction in the region's total warehouse floor space capacity. As described in Part B of the SDS, the vast majority of new-build floor space is actually replacing existing obsolete capacity. Consequently, this replacement capacity along with any growth build element would migrate to other regions given a lack of sites in the Golden Triangle. This clearly has GVA and employment implications.

4.107 The southern part of the East Midlands region (including Leicestershire) became the preferred location for most large scale National Distribution Centres (NDCs). This was for three main reasons, namely:

- It was broadly central to the major domestic production sites, the deep-sea and Channel ports (for imported cargo) and Regional Distribution Centres (RDCs) in other regions (the next stage in the supply chain).
- The release of large competitive sites by local authorities for B8 use during the 1980s which were close to junctions on the M1/M6. This, combined with the above reason, meant that most inbound or outbound cargo movements could be undertaken within 4.5 hours drive time, this being half a HGV driver's daily driving limit. Consequently, a HGV could round-trip within a driver's shift (enabling a HGV to undertake at least two round-trips over a 24 hour period); and
- Historically, relatively low road haulage costs (in turn driven by low fuel costs) and competitive labour rates.

The combination of these factors meant the southern part of the East Midlands region became the competitive 'location of choice' in both supply chain cost and performance terms when sourcing and distributing on a national basis. The area has become known as the '*Golden Triangle*'¹, and has to date consequently established a distinct competitive advantage in the strategic logistics sector.

4.108 This position was evidenced by the analysis undertaken in Section 4 (warehouse floor space) and Section 6 (Employment) of the Part A report. A significant quantum of large scale warehouse floor space has been developed in the Golden Triangle. In Leicestershire, there currently exists *2.25 million square metres* of floor space across *89 large scale warehouse units*². Around 72% of East Midlands floor space capacity is located in Leicestershire or Northamptonshire. The East Midlands region records around 8% of the population of England and Wales, however it accommodates 20% of total English and Welsh warehouse capacity. This means that the identified warehouse capacity in Leicestershire is predominantly serving a national market.

4.109 The table at **Figure 6** compares the expected forecast demand at road-only sites to 2036 with land supply at existing sites with B8 consents. The preferred high replacement scenario suggests around 153ha of new land at non rail-served sites will need to be brought forward within Leicestershire up to 2036. To put this figure into context, the existing Magna Park development has a gross land area of around 220ha i.e. plot footprints plus service roads etc. The application proposal has a plot area of c22ha. While a lower replacement build element was also undertaken as part of the forecasts (low replacement scenario), it is the view of the authors of the SDS that the 'high' replacement scenario should be considered as the preferred option going forward for planning purposes.

4.110 In order to ensure that there is a sufficient pipeline of strategic distribution sites, new land should be identified and allocated in the following sequential order, namely:

- The extension of existing strategic distribution sites, both rail-served and road-only connected. For existing rail-served sites, this should only be permitted where there is spare capacity available at the existing rail freight terminal or capacity can be enhanced as part of any extension. Likewise, site extensions should only be permitted where there is adequate road capacity serving the site and at adjacent motorway/dual carriageway junctions or capacity can be enhanced as part of any extension;

¹ There is no one standard recognised definition of the 'golden triangle'. It may be referred to as the area bounded by the M1, M6 and M69, albeit that others consider it to be a larger area broadly enclosed by Milton Keynes, Birmingham and north Leicestershire (along the M1 and M6 corridors). The SDS has taken the broader definition.

² As defined in the Part A report, units greater than 9,000sqm (approx 100,000 sq ft)

- In circumstances where rail-served sites cannot be extended, local plans should consider satellite sites (which shall be located close to the existing strategic distribution sites) which meet the site selection criteria and could utilise the existing rail freight infrastructure at the core site. A prerequisite for satellite sites to be considered should be spare rail capacity being available at the core site rail terminal or capacity that can be enhanced as part of any satellite development;
- Identifying suitable new strategic distribution sites on previously developed land which meet the site selection criteria; and
- Identifying suitable new strategic distribution sites on greenfield land which meet the site selection criteria.

Year	ha			
	2021	2026	2031	2036
Leicestershire				
Total Supply - Available at current sites	45	45	45	45
Forecast Demand - high	80	109	152	198
Shortfall - high	-35	-64	-107	-153
East Midlands				
Total Supply - Available at current sites	528	528	528	528
Forecast Demand - high	306	420	585	765
Shortfall - high	222	108	-57	-237

Figure 6: Land required at Non-rail-served sites, Potential Land Supply and Shortfall to 2036 (Source SDS Executive Summary)

4.111 The SDS states that the process of identifying new sites for development (the proactive approach) should be guided by and based around the following site selection criteria:

- At least 50ha of developable land;
- Good highway connectivity – demonstrating that the motorway/dual carriageway junctions serving the prospective sites and the approach routes have sufficient network capacity;
- Showing that a prospective site can be connected to the railway network and that it is served by a railway line offering a generous loading gauge (minimum W9), available freight capacity and connects to key origins/destinations directly without the requirement to use long circuitous routes; (*RAIL CONNECTED SITES ONLY*)
- Are the prospective sites sufficiently large and flexible in configuration to accommodate an intermodal terminal and internal reception sidings;
- Similarly, are they sufficiently large and flexible in configuration to accommodate the size of distribution centre warehouse units now required by the market;
- Demonstrating that they are accessible to labour, including the ability to be served by sustainable transport, and located close to areas of employment need; and
- Located away from incompatible land-uses.

4.112 The report identified ‘key areas of opportunity’ and these are illustrated at **Figure 7**. Those enclosed in red are key areas of opportunity for both rail and road only connected sites, while those enclosed in blue are key areas of opportunity for road

only connected sites. It is broadly within these identified key areas of opportunity where individual sites commercially attractive to the logistics market might be located. These are therefore the key areas where a strategy for growth should be allocating new sites to meet the identified land shortfall, through a pro-active search for sites alongside a 'calls for sites' process with the commercial property sector (see above). As part of the Local Plan Options Consultation, HDC issued such a call for sites, which informed the options formulation process. The call for sites did not identify any rail served sites within the District.

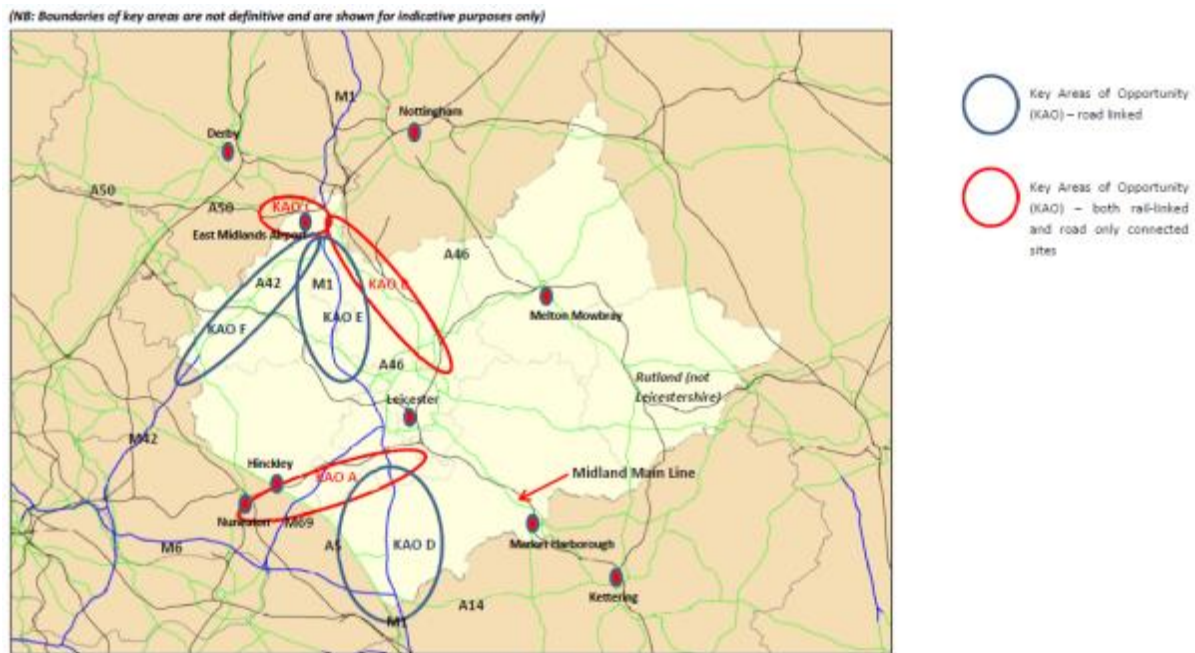


Figure 7: Key Areas of Opportunity (Source: SDS Executive Summary)

4.113 Four over-arching conclusions can be drawn from the SDS, namely

- A need to identify and allocate new land at commercially attractive strategic sites, the purpose of which is to maintain and enhance the established competitive advantage, enabling the sector to grow in a sustainable manner;
- To deliver the identified need, there will be a requirement to continue long-term strategic and collaborative planning across the county of Leicestershire, and potentially with authorities in neighbouring areas. This study should therefore not be viewed as a 'one-off process', and HPIG or a similar grouping will need to take the strategy forward on a longterm basis (and review the strategy periodically);
- While the strategy outlined is a long-term plan (up to 2036), the preparatory work will need to begin immediately. Infrastructure delivery is by its nature long-term, albeit that the underlying evidence base and the preparation of local plan policies needs to commence now so that the right sites in the most competitive locations can come forward for development as and when they are required by the market; and
- The strategy requires the implementation of a number of highway and railway enhancement schemes. Consequently, there will be a requirement for the planning authorities and LLEP to liaise with (and lobby) the Highways Agency and Network Rail to ensure that the enhancement schemes are ultimately delivered.

- *Leicester and Leicestershire Strategic Distribution Sector Study (SDS) Refresh (September 2016)*
- 4.114 HDC commissioned a further piece of work to supplement the SDS in the form of a refresh report. The report was commissioned in three elements:
- Scope A: Clarification on conclusions and recommendations;
 - Scope B: Update and refresh of outputs and conclusions; and
 - Scope C: Wider market developments and implications for Leicestershire.
- 4.115 Part A1 of the report provided clarification on what was meant by an 'extension of an existing strategic distribution site'. With respect to the identification and allocation of new B8 plots, the Leicester and Leicestershire SDS concluded the following:
- "In order to ensure that there is a sufficient pipeline of strategic distribution sites, new land should be identified and allocated in the following sequential order, namely:*
- *The extension of existing strategic distribution sites, both rail-served and road-only connected. For existing rail-served sites, this should only be permitted where there is spare capacity available at the existing rail freight terminal or capacity can be enhanced as part of any extension. Likewise, site extensions should only be permitted where there is adequate road capacity serving the site and at adjacent motorway/dual carriageway junctions or capacity can be enhanced as part of any extension;*
 - *In circumstances where rail-served sites cannot be extended, local plans should consider satellite sites (which shall be located close to the existing strategic distribution sites) which meet the site selection criteria and could utilise the existing rail freight infrastructure at the core site. A prerequisite for satellite sites to be considered should be spare rail capacity being available at the core site rail terminal or capacity that can be enhanced as part of any satellite development;*
 - *Identifying suitable new strategic distribution sites on previously developed land which meet the site selection criteria; and*
 - *Identifying suitable new strategic distribution sites on greenfield land which meet the site selection criteria. " (Paragraph 3.15 of Final Report)"*
- 4.116 For clarification purposes, the 'extension of an existing strategic distribution site' is defined as follows:
- Where at least one of the proposed new plots directly faces or forms a boundary with the developed and operational plots at the existing strategic distribution site, to the effect that when developed the new plot(s) will extend the officially defined perimeter boundary of the existing development so that it includes the new plot(s);
 - The new plot(s) can be accessed via the existing strategic distribution site's connections to the public road network and internal estate roads, albeit that new connections to the public road network could be developed or may be required as part of the site's expansion;
 - Where the existing site is rail-served, the new plot(s) are able to access the intermodal terminal by exactly the same means as the existing operational plots and subsequent occupiers of the new plot(s) will be able to gain access to the intermodal terminal on the same non-discriminatory commercial terms as occupiers at the existing operational plots; and
 - Where feasible and practical, some or all of the utilities currently connected to and serving the existing strategic distribution site can be extended to serve the new plot(s). Utilities in this case means water/drainage, gas, electricity, telephone and fibre optic broadband connections.

- 4.117 With respect to the requirement for at least one of the new plots to directly face or form a boundary with existing operational plots, this does not necessarily mean that the new boundary fence should directly run alongside the existing one. This requirement should be interpreted flexibly in order to allow for necessary physical design features such as drainage channels, gaps required for fire breaks or landscaping. Likewise, the new plot may be physically separated from an existing plot by an internal estate road. An existing operational plot may also include the intermodal terminal at a railserved development.
- 4.118 Further, this requirement should also allow for the possibility that the new plot(s) are being developed by a different promoter to that which originally developed the existing strategic distribution site or the current title owner of the existing site or plots if they have changed hands in the intervening years. For example, Company A may have originally developed the existing site, albeit that some of the plots were subsequently sold to Company B (with the remaining plots and wider estate, roads etc... still being owned by Company A). Meanwhile, Company C owns the land upon which the extension plots are located and will be the developer of those plots.
- 4.119 For the avoidance of doubt, it should be possible to access any new plot(s) at an extended site via the existing strategic distribution site's connections to the public road network and internal estate roads. However, it should also be recognised that new connections to the public road network may be required in order to expand an existing site. For example, forecast traffic to the new plot(s) may result in the existing connection to the public road network exceeding its current design capacity. This could be alleviated through the provision of a new connection at a different location, thereby providing additional capacity for the whole expanded site across two connections with the public road network. Where this occurs, it should therefore be possible to access existing plots via the new road connection and any new internal estate roads, in the same way that the new plots can be accessed via the existing public highway connections and estate roads.
- 4.120 Ideally, the utilities currently connected to and serving the existing strategic distribution site should be capable of being extended to serve the new plot(s). This requirement should however be interpreted flexibly in order to allow for the possibility that the existing utilities are operating at capacity. For example, the electricity sub-station serving the existing development may have no further capacity available to provide for power to the new plot(s).
- 4.121 Part A2 of the report provides a clarification of outputs in respect of the demand forecasts contained within the SDS, and in-particular, clarification on how the demand figures should be used. Taking the analysis and conclusions contained within the SDS together, when preparing Local Plans and policies the demand forecast figures should be viewed as minimum requirements going forward in order that a geographical spread of commercially attractive sites is always available. In practical terms, the quantum of land allocated to strategic distribution should always exceed expected demand in order to maintain a competitive market; multiple strategic sites with vacant plots at different geographic locations should always be available. The demand figures should not be viewed as 'targets' or maximum levels of provision which should not be exceeded.
- 4.122 Part A3 provided clarification on what should be considered to be a "rail-served" facility. In practical terms, there are two possible means by which strategic distribution/logistics sites are 'rail-served' or 'rail-connected'. Provision can be made for warehouse units to have a dedicated rail-siding alongside the unit, alternatively, an intermodal terminal can be located within the same site as the warehouse units.

This would be within the officially defined boundary of the development (which may be delimited on the ground by means of fences, security gates etc..) and where access between the intermodal terminal and the development's warehousing units is entirely via internal private haul roads or where the public road distance is less than 1km. Intermodal container units arriving by train are transferred between the intermodal terminal and the warehousing units by means of the yard tractors hauling skeletal semi-trailers. In this case, private haul road includes the internal estate roads of a strategic distribution/logistics development which were originally built by the developer and are maintained on an ongoing basis by the current private sector site owner. They are therefore used by a variety of vehicles, including delivering/collecting HGVs and employee cars. Public roads are defined as those maintained by the public sector e.g. local highway authority, albeit they may have originally been built by the site developer and subsequently adopted. Vehicle and fuel duty regulations permits so called 'works trucks' (in this case yard tractors) running on rebated diesel to use public (adopted) roads between private premises where the distance is less than 1km.

- *Magna Park Employment Growth Sensitivity Study (MPEGSS) (January 2017)*
- 4.123 The Magna Park Employment Sensitivity Study (MPEGSS) considers three different levels of Strategic Distribution (B8) growth scenario at and adjoining Magna Park.
 - Scenario A: 100,000 square metres
 - Scenario B: 400,000 square metres
 - Scenario C: 700,000 square metres
- 4.124 The scenarios tested are based on previous options and SA work undertaken at the 'Options' stage of plan preparation (Autumn 2015) and reflect the most recent evidence on forecast demand provided by the SDSS (2016).
- 4.125 The scenarios have been informed by the Strategic Employment Land Availability Assessment (March 2017) and the current and recent planning applications. One of these planning applications (15/00919/FUL for c100,000sq.m) has been considered by the Planning Committee and consent has been granted for this development. The scenarios assess the housing impact of the alternative growth scenarios for the Local Plan to consider, thus aligning housing and employment.
- 4.126 In addition to floorspace, the MPEGSS also considers the impact of achieving more sustainable commuting patterns, thus increasing the level of self containment in the District as part of the Local Plan's wider aims and objectives as follows:
 - Scenario 1: Census based commuting assumptions 18.9% (ie no change to current levels)
 - Scenario 2: Proportion of Magna Park workers living in Harborough increased to 25%
 - Scenario 3: Proportion of Magna Park workers living in Harborough increased to 35%
- 4.127 The purpose of the study is to ascertain the job growth and housing need impacts of each scenario for Harborough, our Leicester and Leicestershire partner authorities and authorities in other counties, namely Rugby, Daventry, Nuneaton & Bedworth, Coventry and North Warwickshire. These are areas from which a high level of the Magna Park workforce reside and travel from for work.
- 4.128 In appraising the results of the Magna Park Employment Sensitivity Study, officers have concluded that scenario C2 700,000 sq m with a level of 25% self containment

presents the most reasonable option and this has been endorsed by the Council to be taken forward within the Draft Proposed Submission Local Plan.

- 4.129 The housing requirement of 557 dwelling per annum does not alter the OAN of 532, but would result in a housing requirement of an additional 25 dwellings per annum. This housing requirement can be accommodated within the total Local Plan housing land provision for 12,800 dwellings (equivalent to 640 dwellings per annum).
- 4.130 Consideration was given to testing a higher level of development but based on the initial findings of the MPEGSS it was considered that such an option would have unacceptable additional housing requirements and impacts on the District and other authorities.
- 4.131 In conclusion, the evidence from the MPEGSS demonstrates that the strategic distribution upper limit level of 700,000sqm can be accommodated at or adjoining Magna Park in terms of supporting infrastructure, housing provision and commuting patterns. In addition an objective runs through the Local Plan to further enhance the sustainability of commuting patterns in the future during the plan period. In the light of the emerging Policy, BE2 sets the upper limit for strategic distribution at or adjoining Magna Park at 700,000sqm.
- *Leicester and Leicestershire Housing and Economic Development Need Assessment 2017 (HEDNA)*
- 4.132 The HEDNA considers the need for B-class employment land across the Functional Economic Market Area. The Leicester and Leicestershire authorities are strategically located at the centre of the UK and see strong demand for logistics/ distribution floorspace. The HEDNA shows strong market demand for additional development. Traditional forecasting approaches used in employment land studies are ill-suited to modelling needs for large-scale B8 development (defined as units of over 9,000 sq.m/ 100,000 sq.ft) for a range of reasons including as employment densities can vary significantly and that there is a weak correlation between net growth in jobs and floorspace/ land requirements.
- 4.133 A more appropriate approach to forecasting demand for this sector is to consider requirements for replacement provision (given that warehouses typically have a 25-35 year lifespan, and a shift towards increasing scale of facilities which provide economies of scale) together with provision associated with expected growth in traffic volumes. Demand forecasting has been provided by MDS Transmodal in the 2014 Leicester & Leicestershire Strategic Distribution Sector Study. This has recently been reviewed and the forecasts confirmed as remaining reasonable. These show the following forecast minimum gross land requirements for strategic B8 development to 2036.
- 4.134 Alongside the strategic warehouse / distribution forecasts, the HEDNA has sought to quantify land requirements for smaller warehouse/distribution activities (units of less than 9,000sq.m), based on projecting forward past trends in completions. This results in a need for 446,000 sq.m of additional B8 floorspace, and a requirement for a further 117 ha of land to 2036.
- 4.135 The Planned Growth Scenario does not specifically take into account the current applications albeit that at a housing market area level growth in logistics / distribution employment of 6,200 (2031) to 6,800 (2036) is forecast. This compares to potential growth in distribution employment of around 3,100 jobs which might arise from the 'Growth Build' element of the MDS Transmodal forecasts for strategic B8 development. Taking into account some potential additional jobs growth in smaller

warehouse facilities, the HEDNA analysis shows that at a HMA level, major potential schemes such as those proposed in Harborough District are not expected to result in employment growth over that already considered in the Planned Growth Scenario forecasts.

- *Planning Obligations Developer Guidance Note*
- 4.136 The Planning Obligations Developer Guidance Note was approved by the Council's Executive in September 2009 and sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.
- 4.137 The Note advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the Applicant's to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.
- 4.138 The Note also advises that an Applicants may be required to enter into a bond with a bank or insurance company in order to prevent any default in payment through bankruptcy, liquidation or refusal to pay. The Council will also seek a contribution of 15% of the total planning application fee to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions.
- 4.139 There are two supporting documents associated with this guidance note:
 - Provision for Open Space, Sport and Recreation (September 2009) which provides details of the arrangements for assessing contributions to open space; and
 - Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.
- *Statement of Requirements for Developer Contributions in Leicestershire*
- 4.140 The Statement of Requirements for Developer Contributions in Leicestershire is the County Council's developer contributions policy document. The document was approved as Leicestershire County Council policy in December 2014.
- 4.141 The District Council will take account of the adopted guidance and responses from all services providers, including the County Council in deciding which contributions are necessary to mitigate the impact of a development for the benefit of the community.
- *Harborough District Landscape Character Assessment and Landscape Capacity Study (Sept 2007)*
- 4.142 This Assessment included an identification of Landscape Character Areas across the District. The detail of the report is considered further in **Section 6** of the specific detailed report for each application.
- *Lutterworth and Broughton Astley Landscape Character Assessment and Landscape Capacity Study (December 2011)*
- 4.143 This Assessment built upon and refined previous landscape character, sensitivity and capacity work carried out by The Landscape Partnership in 2007 for the land around Lutterworth. The assessment provided a detailed landscape sensitivity/capacity of the area. The detail of the report is considered further in **Section 6** of the specific detailed report for each application.

- *Leicestershire Local Transport Plan*
- 4.144 The 3rd Leicestershire Local Transport Plan (LTP3) covers the period 2011-2026. It sets out the transport vision and longer term strategy for the County and identifies priorities and objectives to help deliver the vision. Objectives include tackling congestion, improving access to facilities for all, reducing the impact of transport on the environment, and improving road safety.
- 4.145 The LTP3 focuses, in particular, on the need to tackle congestion by increasing the use of public transport, walking and cycling with less growth in car mileage. This would be achieved by improving access to facilities including employment, education, health care and food shops.
- *Leicestershire County Council 6C's Design Guide*
- 4.146 The 6Cs Design Guide (hereafter referred to as 6CsDG) deals with highways and transportation infrastructure for new developments
- *6C's Green Infrastructure Strategy*
- 4.147 The 6C's Green Infrastructure Strategy (hereafter referred to as '6CsGIS') was prepared on behalf of a partnership of local authorities and agencies for the East Midlands, setting out a strategic spatial framework needed to safeguard, manage, and extend networks of Green Infrastructure.
- *5 Year Housing Land Supply Statement*
- 4.148 The Council produces bi-annual monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period. The latest report covers the period from 1 April 2017 to 31 March 2022 and demonstrates a housing supply of 4.45 years.

d) Additional Information

- *Appeal Decisions*
- 4.149 Within the main body of the reports reference is made to appeal decisions including high court judgements and recovered secretary of state decisions. Whilst every application is considered on individual merit, appeal decisions and judgements are helpful in demonstrating the weight to be applied to material considerations and the correct interpretation of planning policy.
- *Business Rates*
- 4.150 The increase in business rates for the district from each application (assuming a rates contribution pro-rata to Magna Park's existing £20m), would be in the order of £7m annually once fully occupied, of which HDC would be entitled to keep some 50%³.
- *Vision and Priorities for the District of Harborough*
- 4.151 The Council adopted a vision and four priorities in February 2014. Approving sustainable developments is one way in which the vision and priorities can be achieved.
- *Reason for Committee Decision*
- 4.152 These applications are to be determined by Planning Committee because:
 - a) of the scale and nature of the proposed development

³ The Government formula for the retention of business rates is complex, but Government's policy since 2013 has been to induce local authorities to support economic growth through this "localism" measure. The present indication is retention locally of about 50% of rates.

- b) the proposed development is a departure for the Development Plan
- c) of the level of community interest

5. Key Issues common to both proposals

5.1 The following sub-headings highlight the issues which are common to both applications and the views taken by officers on these issues. Members are referred to the individual reports for full details of all the issues pertinent to the applications. The common issues have been identified as follows:

- 1) The Principle of Development
- 2) The Need and Capacity for both developments

1. The Principle of Development

5.1.1 The application sites are located outside the settlement development boundary (limits to development) of Lutterworth (as defined by the Harborough District Local Plan Proposal's Map), and furthermore, are outside of the current development area of Magna Park. The sites therefore lie within the countryside (See **Figure 8**).

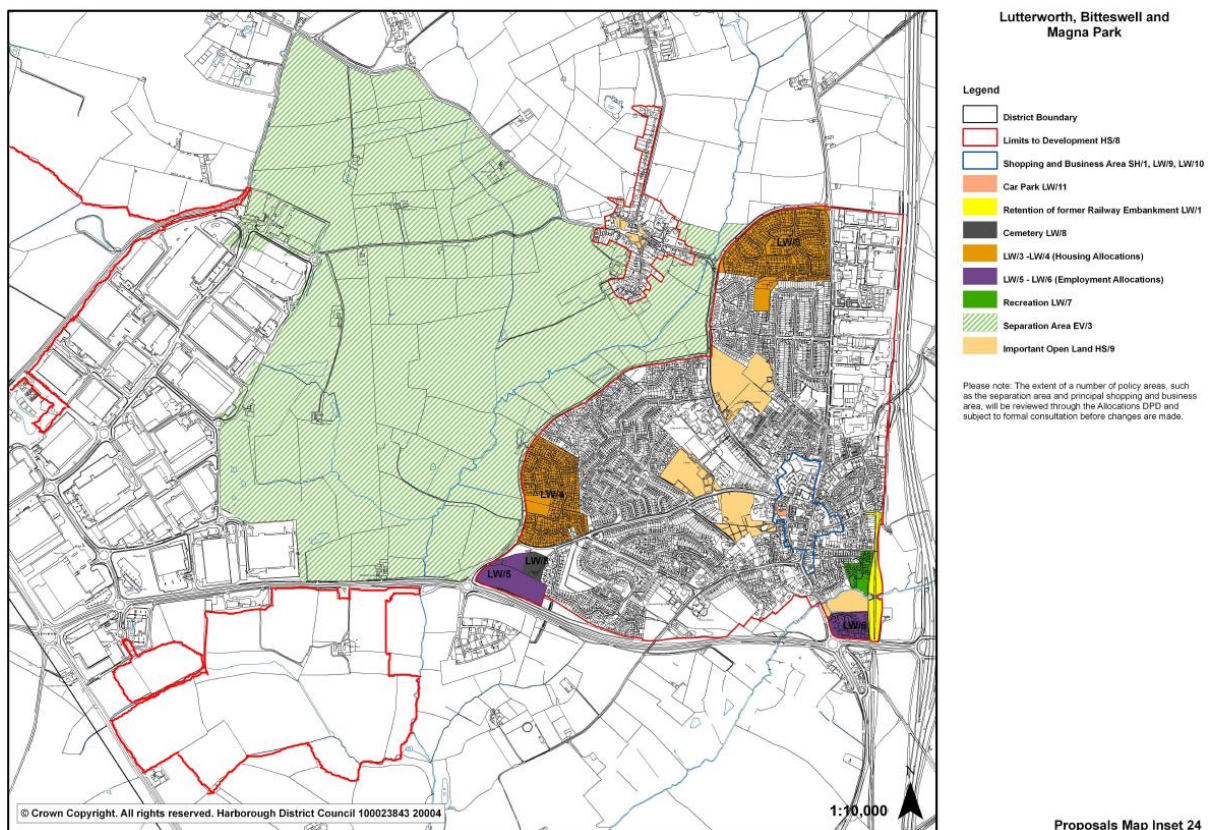


Figure 8: Local Plan Proposals Map indicating Limits to Development with application sites overlaid

5.1.2 CS7f supports employment development only where it contributes to the retention and viability of rural services or land-based businesses; aids farm diversification; or promotes the conversion and re-use of appropriately located and suitably constructed existing buildings. The justification for the CS7f is not dissimilar to that for CS7h. It is stated that there is no need for further employment land in the district because demand outstrips supply save for warehousing and that warehousing is strategic, not local and therefore not for Harborough to supply. It is also stated that any unlikely need for further employment land will be dealt with through the Allocations DPD as discussed previously. Furthermore, Policy CS17, the overarching policy on the countryside, precludes any development in the countryside that is not for the

purposes of and related to agriculture, renewable energy or public amenity (including sport).

- 5.1.3 The extension of Magna Park for strategic warehousing does not constitute one of the circumstances which would be allowed by either CS7f or CS17, and therefore the application proposals are also contrary to both policies. However, the NPPF makes provision for the prosperity of rural areas at paragraph 28 and states that plans should, amongst other things:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- 5.1.4 Policy CS7c states that existing employment sites and future allocations would be reviewed as part of the Allocations Development Plan Document. This work has now been replaced by the forthcoming New Local Plan as set out above.
- 5.1.5 CS Policy CS7h relates specifically to Magna Park and states that no further phase of development or large scale expansion of the site beyond the existing development footprint of Magna Park will be supported. CS7h does not define the development footprint, rather, this would have been considered as part of the Allocations DPD. The absence of that definition does not alter the meaning of CS7h, and, as such, any further phase or large scale expansion of Magna Park would be contrary to Policy CS7
- 5.1.6 The written justification in support of Policy CS7 explains why Magna Park - which is stated at 5.73 of the CS to be a successful and in demand location and a significant employment site and generator of jobs contributing to the local economy - should not be allowed to expand:
- Harborough fulfils predominantly local market needs and there is no overall strategic need for additional employment land to be identified. However, existing employment provision will be reassessed and depending on particular circumstances; additional site allocations will be considered via the Allocations DPD and applications for additional employment sites may be permitted.
 - The existing level of employment provision comprising; existing premises, sites with outstanding planning permission, and outstanding / or partially developed allocations will, subject to review, substantially meet future employment needs in the District to 2028.
 - Past development in the District has been at various densities, and dominated by take up at Magna Park. A move to provide different types and a more flexible portfolio of employment land and premises, to encourage higher quality jobs, and to encourage a more efficient use of land indicates that it is possible to achieve higher densities than before and therefore the need for land is less.
 - In the context of the evidence studies, against the criteria they set, and taking account of future developments in the road / rail network, travel to work patterns and the type and skill level of logistics jobs compared to local employment needs, there are more suitable locations and sites (both rail and non rail-linked) than Magna Park within the region and sub-region to meet forecast need for strategic distribution to 2026.
 - On the balance of the available evidence, the preferred policy approach to Magna Park seeks to; support the national / regional drive for a modal shift of freight from road to rail, protect the site's strategic role for distribution, and safeguard its future and that of its businesses, whilst resisting a further Phase 3 of development and containing the site to its existing development footprint.

The Core Strategy was adopted prior to the publication of the NPPF. When Policy CS7 is assessed against The Framework, it becomes clear the policy is not consistent with the positive emphasis of The Framework.

- 5.1.7 Rather than promoting and encouraging economic growth in the district that is demonstrably achievable, Policy CS7h restricts development within the Warehousing sector. Table 11 of the Core Strategy (See **Figure 9**) established that there was an under supply of land within the “Warehousing” sector within the District of 32.9Ha.

	Offices (m ²)	Industrial (ha)	Warehousing (ha)
Medium			
Demand	42,962	4.0	34.0
Supply	67,490	21.1	1.1
Gap	24,528	17.1	-32.9
Effective Supply	54,290	11.7	1.1
Effective Gap	11,328	7.7	-32.9

Source: Leicester and Leicestershire Employment Land Study (PACEC)

Figure 9: Table 11 from Core Strategy

- 5.1.8 Subsequent updating of the Leicester & Leicestershire Housing Market Area Employment Land Study in 2013, reconfirmed that demand for strategic warehousing land reflected demand for locations next to the highway network within an area of England called the ‘Golden Triangle’ and is not demand specific to Harborough. Its recommendation that the LLEP and the LPAs strengthen the evidence base for employment land planning for supersize warehouses, underpinned the commissioning of the SDS. The object of which was to objectively identify future need specifically for large-scale warehousing, and set out a strategy for allocating land to meet that need. In 2016 a further refresh of the SDSS was produced which updated figures related to existing provision, and also confirmed that any figures are to be considered as minimum targets rather than a ceiling figure for provision. Additionally, in 2017, HDC commissioned the Magna Park Employment Growth Sensitivity Study which, as set out above, established that up to 700,000sq m of B8 floorspace could be provided within the locality without any detrimental impact upon the local employment and housing market.
- 5.1.9 That CS7 is now out of date is acknowledged in the scoping of the new Local Plan. In summary therefore, the NPPF expects Local Planning Authority’s to meet their assessed needs for housing and economic growth where to do so is consistent with the principles of sustainable development. The Core Strategy approach which seeks to avoid meeting an identified need in favour of providing for a different type of employment development whilst relying on unidentified locations elsewhere to provide for the need is not consistent with the generally positive approach of the NPPF in the absence of some clear justification having regard to the principles of sustainable development. None of the factors relied upon in the preparation of the Core Strategy as justifying a restrictive approach to development at Magna Park are supported by an evidence base which would stand scrutiny when assessed against the NPPF as a whole. Furthermore, things have moved on since the adoption of the Core Strategy in terms of the quantitative and qualitative requirements for strategic distribution provision.
- 5.1.10 Policy CS17, a largely blanket restriction on development in the countryside, is also inconsistent with the provisions of the NPPF which provides no such general restriction. Whilst some of its objectives, such as the protection of intrinsic character

and beauty of the countryside are consistent with the NPPF, it is a Policy which in the context of the current application should be given limited weight because:

- It does not positively or proactively promote sustainable economic growth in the countryside.
- It is underpinned by a spatial strategy which is not consistent with the NPPF's central purpose – to deliver the sustainable economic growth that the country needs.

5.1.11 The NPPF does not promote such a restrictive approach to employment development in the countryside as that contained within Policy CS7f. In that respect, policy CS7f is inconsistent with the NPPF. In particular, the Policy:

- does not positively and proactively promote economic development;
- does not support economic growth in a rural area;
- does not support the sustainable growth and expansion of all types of business and enterprise; and
- relies on an out-of-date evidence base to justify its position

5.1.12 On the basis of the above, it is considered that policies CS7 and CS17 are out of date and should be accorded limited weight in the determination of the current application.

5.1.13 Policy CS14d states that employment development will be supported which strengthens the role of Lutterworth as a Key Centre within the District and reinforces the Spatial Strategy set out in Policy CS1, and that any additional proposals for business development in Lutterworth which require access by heavy goods vehicle should be located near the M1, A426 and A4303. The application sites are located immediately adjacent to the A5 and A4303 with direct links to the A4303 and therefore on to the M1. The proposals are therefore in accordance with this policy.

5.1.14 Policy CS14e states that the principle of a separation area between Magna Park, Bitteswell and Lutterworth will be maintained to ensure the retention of the identity and distinctiveness of these nearby places. It goes on to state that proposals leading to the formation of accessible natural and semi natural green space, tree planting, improved local routes for walking, horse riding and cycling and the promotion of improved biodiversity will be supported in this area. Neither of the application sites are located within the Separation Area as defined on the Local Plan Proposals Map (see **Figure 8**). Furthermore, both applications seeks to improve the connectivity between any publicly accessible elements of the proposals and the Lutterworth Country Park which is located within the Separation Area. The proposal therefore is in accordance with this policy.

5.1.15 The adopted development plan policy in terms of the principle of the development is considered to be out of date because it does not reflect the more recent evidence of need/capacity as set out above. That evidence is a Material consideration which outweighs any in principle policy conflict. There remains a need for scheme specific consideration against the relevant development management Policies including the emerging local plan. On the basis of the above, Officers conclude that very limited weight should be accorded to the policies which are restrictive of the principle of the development in this area.

5.1.16 Draft Policy BE2 is a criteria based which sets a number of points that an application has to satisfy in order to be considered to be acceptable. Due to the nature of these criteria, the specifics of each application means that the different applications could meet these criteria in different ways, and as such, the specifics of whether or not the

individual applications comply with the draft Policy are assessed within the individual case specific reports.

■ 2. The Capacity and Need for both Developments

5.2.1 The sector and industry is global in its nature and economic drivers and cross-boundary in its effects. The study identified minimum gross land requirements for strategic B8 development across the HMA, including provision for non rail-served sites of 152 hectares by 2031. Due to its location within the country with good access to the strategic highway network, Harborough District has been a focus of strategic distribution since Magna Park was developed in the early 1990s.

5.2.2 The need for further strategic distribution facilities was identified in the Leicester and Leicestershire Strategic Distribution Sector Study (L&L SDSS) 2014, which was updated in 2016. This is summarised at **Paras 4.102 – 4.122**. The study considered all existing and planned sites within Leicestershire and the East Midlands. These were as follows:

- East Midlands Distribution Centre, Castle Donnington, Leicestershire.
- East Midlands Gateway, Lockington, Leicestershire.
- East Midlands Intermodal Park, Etwell, Derbyshire.
- Daventry International Rail Freight Terminal (DIRFT) Phase 3, Lilbourne, Northamptonshire.
- South Northants, Milton Malsor, Northamptonshire.
- Corby Eurohub, Corby, Northamptonshire.
- Corby International Rail Freight Terminal, Corby, Northamptonshire.

The SDSS also established minimum targets for provision to meet the requirement for land to support the strategic distribution sector within the Leicester and Leicestershire Housing Market Area (HMA) to 2031, specifically non rail-served provision. Whilst these minimum targets are exceeded by these applications, the very fact that both applicants are pursuing their schemes supported by evidence as to capacity and are no longer objecting to each others applications, and that there are other applications within the study area establishes that there is a need for in excess of the minimum targets set by the SDSS. On the basis of the above, it is considered that there is an identified need for the level of B8 floorspace to be provided for by the two applications.

5.2.3 The M1 corridor in Harborough District is a key area of opportunity for Leicester and Leicestershire as identified in the L&L SDSS Update, 2016 and is of regional and national significance to the strategic distribution sector. The forecasts of land in the SDSS are minimum levels of provision and there is a strong case that Harborough should continue to make a substantial contribution to long term non-rail served strategic warehouse, logistics and distribution development in Leicester and Leicestershire. There is a need to meet the further requirements for non rail-served B8 strategic distribution by supporting additional development at Magna Park to help maintain and expand the established competitive advantage which Leicester and Leicestershire has in accommodating the sector.

5.2.4 The Magna Park Employment Growth Sensitivity Study 2017, as already described in **paras 4.123 – 4.131**. This looked at the jobs growth associated with three floorspace scenarios for strategic distribution (100,000 sq.m., 400,000 sq. m. and 700,000 sq.m.) and at three levels of 'self-containment' of the workforce (19% commuting within Harborough District as in the 2011 census, 25% and 35%) . It concluded that the highest growth scenario, accompanied by a 25% self-containment target, could be accommodated within the flexibility in housing numbers already being allowed for in the Local Plan and that there would only be a very small increase in housing requirement in two other local authorities (Daventry and Oadby and Wigston), both of

which are within the margin of error for the study. On the basis of this it is considered that there is adequate capacity to provide for up to 700,000sq m of B8 floorspace within the locality.

- 5.2.5 Alternatives should only be considered where they are feasible, realistic and genuine. This may depend on various factors, including planning policy, land ownership, financial viability, technical feasibility and design quality. Options which are unlikely to be acceptable or deliverable are not realistic alternatives and so do not need to be considered. Whilst environmental effects are relevant when choosing between alternatives, other factors are also relevant.
- 5.2.6 Following the completion of the Local Plans Options Call for Sites process, ProLogis advanced a possible further option (through responses to the Local Plan Options Interim Sustainability Appraisal consultation process). This was located on the M1 between Lutterworth and Leicester and would have required a new Motorway Junction in order to access it. Having discussed this proposal with Officers at Blaby District Council, it has become apparent that Prologis are no longer promoting this site as a Logistics site, and as such it can not be considered to be a reasonable alternative. Notwithstanding this, the site is now being promoted by the landowners in conjunction with Blaby District Council as a possible “Garden Village” for allocation in their next Local Plan. The site is envisaged to provide up to 3500 dwellings and an employment and logistics hub of c300,000sq m. Blaby District Council’s current Local Plan timetable starts with “Issues and Options” in 2019, a submission version of the plan being finalised in 2021, the examination in 2022 and adoption of the Plan in late 2022. To date, no developers have been appointed to the project, and as such there is no realistic prospect of any planning application being forthcoming in the foreseeable future. As such, Officers are satisfied that, whilst it may come forward during HDC’s Local Plan period, there is no certainty of this, and as such, it cannot currently be regarded as a suitable or available site on which to meet the identified need. It is therefore considered that there are no suitable and available alternatives for the quantum of provision identified within the locality other than two current applications.
- 5.2.7 It is therefore considered that there is a compelling quantitative and qualitative need for additional road based warehousing provision within the District which cannot be met other than on greenfield sites in the countryside.