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| Meeting | PLANNING COMMITTEE |
| Time/Day/Date | 5.30 pm on Tuesday, 3 September 2019 |
| Location | Council Chamber, Council Offices, Coalville |
| Officer to contact | Democratic Services (01530 454512) |

| | AGENDA | |
|---|--|---------------|
| Item | | Pages |
| 1. APOLOGIES FOR ABSENCE | | |
| 2. DECLARATION OF INTERESTS | | |
| | Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary. | |
| 3. MINUTES | | |
| | To confirm and sign the minutes of the meeting held on 6 August 2019 | 3 - 8 |
| 4. PLANNING APPLICATIONS AND OTHER MATTERS | | |
| | Report of the Planning and Development Team Manager. | 9 - 12 |

Index of Applications to be Considered

| Item | Application Number and Details | Recommendation | Page |
|------|---|---|-----------------|
| A1 | <p>18/01443/ FULM: Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses</p> <p>Land at M42, Junction 11, Stretton-en-le-Field, Leicestershire, DE12 8AA</p> | PERMIT subject to S106 Agreement | 13 - 104 |

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 August 2019

Present: Councillor N Smith (Chairman)

Councillors R Boam, A J Bridgen, R Canny, J Clarke, D Everitt, D Harrison, J Legrys, D E J Tebbutt and M B Wyatt

In Attendance: Councillors J Geary, R Johnson and R Ashman

Officers: Mr J Mattley, Miss S Odedra, Mrs C Hammond, Mr J Knightley and Mr A Mellor

15. APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Hoult.

16. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor A Bridgen declared that he had held discussions with the applicant of item A3, application 19/00017/FUL, however he had come to the meeting with an open mind.

Councillor D Harrison declared a non-pecuniary interest in item A4, application number 18/01428/OUTM, as a member of Leicestershire County Council.

Councillor N Smith declared a pecuniary interest in item A4, application number 18/01428/OUTM as he owned a property on the close. He would leave the meeting and take no further part in the meeting.

Members declared that they had been lobbied without influence in respect of various applications below:-

Item A2, application number 18/00341/REMM
Councillors J Legrys and D Tebbutt

Item A3, application number 19/00017/FUL
Councillors J Legrys and M B Wyatt

17. MINUTES

Consideration was given to the minutes of the meeting held on 2 July 2019.

It was moved by Councillor N Smith, seconded by Councillor D Harrison and

RESOLVED THAT:

The minutes of the meeting held on 2 July 2019 be approved and signed by the Chairman as a correct record.

18. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

- 19. A1**
18/02198/FULM: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT FOR 43 DWELLINGS, A NEW VILLAGE HALL, FORMATION OF VEHICULAR AND PEDESTRIAN ACCESS POINTS AND ASSOCIATED INFRASTRUCTURE
 Priory Nursery Garden Centre Ashby Road Breedon On The Hill Derby DE73 8AZ
Officer's Recommendation: PERMIT subject to S106 Agreement

The Interim Principal Planning Officer presented the report to Members.

Parish Councillor R Morris, on behalf of Breedon Parish Council, addressed the Committee. He highlighted that the Parish was in full support of the application as it would be a sensitive infill to replace an eyesore, the developer would provide a much needed village hall at no cost to the Parish and that it would include flood risk mitigation.

Ms J Hodson, agent, addressed the Committee. She highlighted that the site was on the Council's register for brownfield sites and the proposed development would offer a mix of all housing types. She advised flood risk mitigation had been included and all conditions had been agreed including trigger points for the village hall and S106 contributions.

In determining the application Members expressed concerns that not all of the site was brownfield however they acknowledged that the Parish Council was in full support of the application, there was a need for both the houses and a village hall, the application would mitigate flood risks and would be an improvement to the site.

It was moved by Councillor J Legrys and seconded by Councillor D Harrison

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Interim Head of Planning and Infrastructure.

| Motion to permit the application in accordance with the officer's recommendation (Motion) | |
|--|-----|
| Councillor Nigel Smith | For |
| Councillor Russell Boam | For |
| Councillor Alexander Bridgen | For |
| Councillor Rachel Canny | For |
| Councillor John Clarke | For |
| Councillor David Everitt | For |
| Councillor Dan Harrison | For |
| Councillor John Legrys | For |
| Councillor Daniel Tebbutt | For |
| Councillor Michael Wyatt | For |
| Carried | |

20.

A2**18/00341/REMM: ERECTION OF 49 DWELLINGS WITH ON-SITE NATIONAL FOREST PLANTING, AREAS OF OPEN SPACE AND ASSOCIATED HIGHWAYS AND DRAINAGE INFRASTRUCTURE (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION 13/00956/OUTM)**

Land To The South Of Grange Road Hugglescote Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members and updated them on an additional representation that had been received from the Parish Council in relation to pedestrian safety however, they welcomed the reduction in the speed limit but would have preferred 30mph.

Councillor R Johnson, Ward Member, addressed the Committee. He highlighted that the developer had made no contact with the Parish Council and that the proposed 49 homes did not conform to policy H6 of the Local Plan to include bungalows. He expressed concerns over the access to the site on the brow of a hill, that some users of the road could get up to speeds of 70mph and the lack of footway provision to allow safe walking or cycling into the village. He urged Members to refuse the application.

In determining the application, some members had concerns over the access to the site and highway safety along Grange Road. They felt that local knowledge had not been considered when the highways authority had accepted the application. The lack of bungalows on the site was also noted. They were advised that the implementation of the footpath on the north side of Grange Road was ongoing and as such, a condition could be included to ensure that the footpath was completed before the dwellings were first occupied.

It was moved by Councillor R Boam and seconded by Councillor D Harrison

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Interim Head of Planning and Infrastructure with the inclusion of a condition relating to the completion of the footpath before occupation of the dwellings.

| Permit in accordance with an additional recommendation in relation to footpath completion (Motion) | |
|---|---------|
| Councillor Nigel Smith | For |
| Councillor Russell Boam | For |
| Councillor Alexander Bridgen | For |
| Councillor Rachel Canny | For |
| Councillor John Clarke | Abstain |
| Councillor David Everitt | Against |
| Councillor Dan Harrison | For |
| Councillor John Legrys | Against |
| Councillor Daniel Tebbutt | Against |
| Councillor Michael Wyatt | Against |
| Carried | |

21. A3
19/00017/FUL: CHANGE OF USE OF A1 (SHOPS) USE TO AN A5 (HOT FOOD TAKEAWAY) USE
 119 Belvoir Road Coalville Leicestershire LE67 3PH
Officer's Recommendation: PERMIT

The Interim Planning and Development Team Manager presented the report to Members.

Mr K Davis, objector, addressed the Committee. He highlighted that the criteria requested by Members at the previous meeting had not been met. He expressed concerns over fire safety, and noise and fumes that would be generated from the business and that these would have serious detrimental impacts on their quality of life. He felt that the site was not suitable for a takeaway and that there was a duty of care owed by both parties to one another. He expressed concerns that if the proposed development was granted planning permission his insurance could become void due to a lack of duty of care by the applicant. He urged Members to refuse the application.

Mr A Statham, agent, addressed the Committee. He highlighted that there were to be no major alterations required to the structure of the building and there had been no objections from either public health or highways. He advised Members that a firm had been contacted to carry out the fireproofing and that the car park at the back would be for the sole use of the takeaway.

Councillor J Geary, Ward Member, addressed the Committee. He highlighted that there would be no concerns if both properties were residential or the northern property was a retail unit. The issue was with a hot food takeaway which would generate noise and fumes and users of the business would park on the double yellow lines in front of the building causing a disruption to the neighbouring residents; therefore contrary to policy D2. He expressed concerns over the fire proofing materials and asked Members to consider the safety of residents and refuse the application.

In determining the application, Members expressed strong concerns over the safety, ventilation and noise in relation to the residential bedroom above the takeaway shop, and the work and cost that would be required to make it safe. They also expressed concerns over highway issues in relation to users of the takeaway parking on the public footpath at the front, as the car park to the rear was not fit for purpose and that the parking would not be enforced. It was felt that the application before them was not appropriate, and was contrary to policy D2 of the Local Plan.

It was moved by Councillor M B Wyatt and seconded by Councillor D Tebbutt

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

RESOLVED THAT:

The application be refused on the grounds that it was contrary to policy D2.

| Motion to refuse the application against officer recommendation (Motion) | |
|---|-----|
| Councillor Nigel Smith | For |
| Councillor Russell Boam | For |
| Councillor Alexander Bridgen | For |
| Councillor Rachel Canny | For |
| Councillor John Clarke | For |
| Councillor David Everitt | For |
| Councillor Dan Harrison | For |
| Councillor John Legrys | For |

| | |
|---------------------------|-----|
| Councillor Daniel Tebbutt | For |
| Councillor Michael Wyatt | For |
| Carried | |

22.

A4

18/01428/OUTM: DEMOLITION OF EXISTING BUNGALOW SO AS TO FACILITATE RESIDENTIAL DEVELOPMENT (OUTLINE - PART ACCESS INCLUDED)

11 Fosbrooke Close Ravenstone Coalville Leicestershire LE67 2AB

Officer's Recommendation: PERMIT subject to S106 Agreement

Having declared a pecuniary interest in the item, Councillor N Smith left the chair and the meeting and took no part in the consideration or voting thereon.

Councillor R Boam took the chair for the consideration of the item.

The Interim Principal Planning Officer presented the report to Members.

Mr R Brewin, objector, addressed the Committee. He advised that he was representing the residents of Fosbrooke Close, who were not against development in principle but their main concerns were in relation to the access of the site, that they wished that the site remain with one developer and that there were drainage issues required addressing.

Ms M Horsley, agent, addressed the Committee. He highlighted to Members that the development was in a sustainable location and that the development would assist the authority in meeting its housing targets. He advised that the amount, size and design of the dwellings would be considered at reserved matters stage and that Members were only considering the point of access. He noted that there were no objections and all contributions had been agreed.

In determining the application Members expressed concerns that they were not able to comment on the number, size and mix of dwellings at that time, and that the number of dwellings could increase past the originally proposed number. They felt that the reserved matters application could come back with a very different look and feel to it. They were advised that the reserved matters application would be brought back to committee if Members required.

It was moved by Councillor J Legrys and seconded by Councillor D Harrison

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Interim Head of Planning and Infrastructure with an additional recommendation that the application be brought back to committee at the reserved matters stage

| Motion to permit in accordance with officer's recommendation with additional condition (Motion) | |
|--|-----------------------|
| Councillor Nigel Smith | Conflict Of Interests |
| Councillor Russell Boam | For |
| Councillor Alexander Bridgen | For |
| Councillor Rachel Canny | For |
| Councillor John Clarke | No vote recorded |
| Councillor David Everitt | For |
| Councillor Dan Harrison | For |
| Councillor John Legrys | For |

| | |
|---------------------------|---------|
| Councillor Daniel Tebbutt | For |
| Councillor Michael Wyatt | Against |
| Carried | |

Councillors J Clarke and N Smith left the meeting at 8.15pm.
The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.45 pm

APPENDIX B

**Report of the Interim Head of Planning and Infrastructure to
Planning Committee**

3 September 2019

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6. Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7. Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8. Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses
Land at M42, Junction 11, Stretton-en-le-Field, Leicestershire DE12 8AA

Report Item No
A1

Application Reference
18/01443/FULM

Grid Reference (E) 430466
Grid Reference (N) 310475

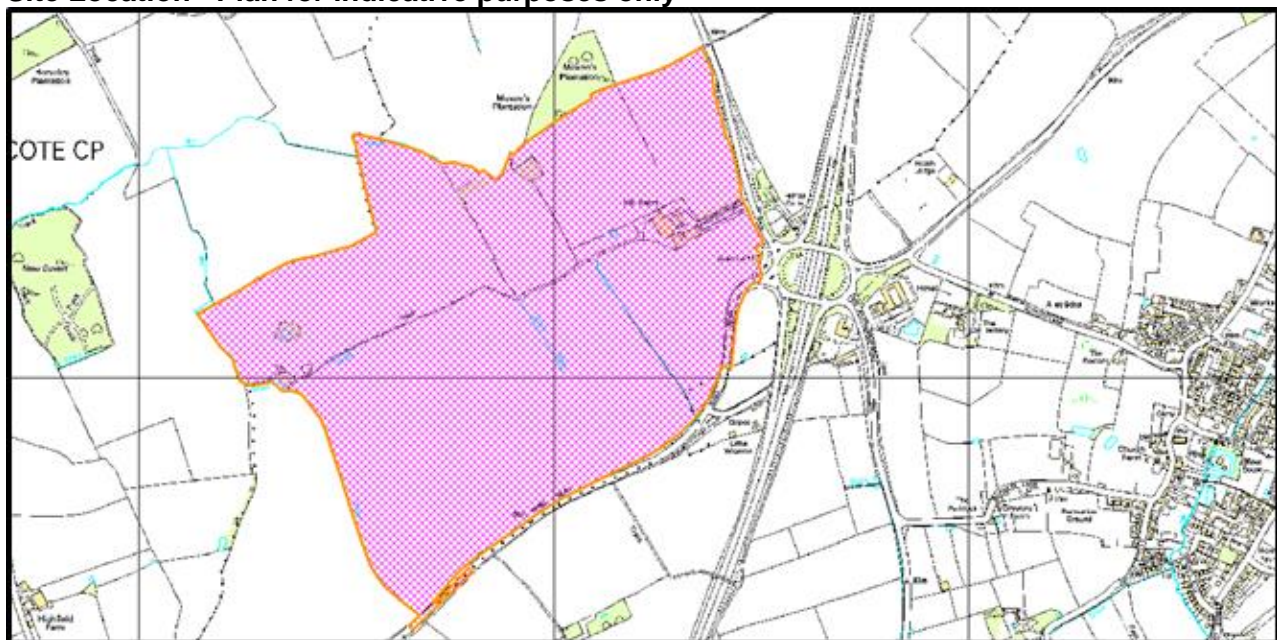
Date Registered:
7 August 2018
Consultation Expiry:
9 December 2018
16 Week Date:
27 November 2018
Extension of Time:
30 September 2019

Applicant: IMP Hill Top Estates Limited

Case Officer: James Knightley

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This is a "hybrid" application (i.e. part full and part outline) seeking planning permission for (in full) the erection of units for storage and distribution use (within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), together with ancillary office use (B1a) and other associated development; and (in outline) development within Classes B1(c) (light industrial), B2 (general industrial) and B8, as well as additional commercial and amenity type uses.

The full element of the application relates to five units on the southern and western parts of the site (total gross external floorspace 279,007sqm), and including associated office development. The outline element of the application proposes further employment development to the north eastern portion of the site (maximum gross external floorspace 70,993sqm) as well as associated commercial and leisure uses. The site would be accessed from the B5493 (and, insofar as the outline element is concerned, a proposed easterly access from this road would also form part of the access arrangements for determination at the outline stage).

Consultations

Members will see from the main report below that a significant number of objections have been received in respect of the proposals, and including from a total of 16 Parish Councils as well as North Warwickshire Borough Council. No objections on technical issues are raised by other statutory consultees.

Planning Policy

A significant number of National and development plan policies are applicable to these proposals. Of particular relevance is the application site's location outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. However, Policies S3 and Ec2 allow for provision of employment development outside Limits to Development where certain criteria are met.

Conclusion

The report below indicates that, whilst the site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, there is strong evidence to demonstrate that there is an immediate need or demand for the proposed development and, as such, the in-principle element of Policy Ec2 is capable of being met, and the principle of the development is therefore considered acceptable in land use terms. Whilst concerns have been raised by objectors regarding a range of issues, the application is accompanied by an Environmental Statement which indicates that, subject to appropriate mitigation, these issues or other adverse environmental impacts arising from the proposed development would not indicate a conflict with the development plan as a whole, nor that planning permission ought to be refused.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1.0 Proposals and Background

1.1 This is a "hybrid" application (i.e. part full and part outline), accompanied by an Environmental Statement (including addendum) and seeking planning permission on a site of 97.39ha for a range of uses (but, principally, the erection of units for storage and distribution use (within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), together with ancillary office use and other associated development including a gatehouse, two accesses from the B5493, internal roads, car parking and landscaping. The site is currently within agricultural use.

1.2 The full element of the application relates to five B8 units (plus associated store and recycling facilities) western parts of the site totalling 279,007sqm in floorspace which, the applicant advises, is proposed to be occupied by a motor vehicle manufacturer. The proposed units would range in size from 20,406sqm to 97,102sqm in terms of floorspace, and would be of maximum height of either 19.5m (Units 1, 3 and 5) or 22.5m (Units 2 and 4) above finished floor level. In addition, the full element of the application includes provision for vehicular access from the B5493 via a proposed new roundabout junction at the south eastern end of the site (located approximately 80 metres from the M42 / A42 Junction 11 roundabout) and a priority junction at the south western end (for use by cars and buses only). The scheme also includes a gatehouse, an internal vehicular circulatory system (one-way for vehicular traffic, with adjacent pedestrian and cycle routes) incorporating a separate central HGV access to service yards, a range of landscaped areas (including landscaped mounds / bunds), publicly available pedestrian recreational routes, and sustainable drainage (SuDS) features.

1.3 During the course of the application's consideration, the applicant has confirmed that the proposed full element of the application (i.e. Units 1 to 5) is intended to be occupied in the first instance by Jaguar Land Rover (JLR), and that the applicant has signed an agreement for a 20 year lease (subject to the planning application being approved). The site would, the agent advises, be used as a new global parts logistics centre for aftermarket parts, acting as a single point for the receipt of parts from suppliers and their dispatch to retailers, consolidating JLR's existing operations in the Midlands, and serving customer needs in America, Europe, Africa and parts of Asia, as well as acting as a "master" for a regional distribution centre in Shanghai. The applicant advises that, currently, JLR's global aftermarket parts operation is served by a large number of warehouses in ten different locations across the Midlands. Some of the units are, the applicant advises, not modern and are unsuitable in terms of specification, generating a high level of inter-site freight and inefficient use of footprint and storage height. By consolidating these operations under one roof, the applicant advises that there would be a number of advantages, including delivery of operational synergies, reduction in the volume of freight traffic by around 25%, increase in customer service, reduction of order to receipt times, and the provision of a highly efficient operation as required to support the business in reaching and then supporting global markets. The proposals would also include a dedicated parts distribution centre for the UK market.

1.4 In terms of economic impacts, the applicant indicates that the proposed JLR scheme (as part of the wider development) would contribute an additional £139 million gross value added per year to the local economy. Insofar as employment associated with JLR is concerned, the applicant states that the new facility would provide a "significant" number of jobs and that employment would grow in line with business needs. Whilst some of these jobs would be fulfilled by people transferring from current premises and operations, there would also be new "hires", covering a range of skills including, professional and managerial. Attention is also drawn

to JLR's work academy programme at a plant in Solihull, and to an additional 700 construction-related jobs generated at the peak of the build programme. [NB More detailed analysis of economic impacts is set out under Section 5.4 (Socio Economics) below.]

1.5 Insofar as why JLR has opted for this site, the applicant advises that principal parameters for site selection include:

- Centre of gravity for UK ports and airports used for shipping aftermarket parts into the UK from suppliers abroad;
- Centre of gravity for transport of aftermarket parts from UK suppliers;
- Centre of gravity for UK ports and airports used for shipping aftermarket parts out of the UK to retailers worldwide; and
- Inbound consolidation aftermarket parts hub at Lichfield.

The applicant advises that the scale of the proposals requires a flat regular shaped site with direct access to the motorway or strategic road network and good penetration to the local job market. The proposed investment is, the applicant advises, time sensitive, with operations due to commence in 2022, and that the site meets all these criteria, and that JLR have been unable to identify any other site which would.

1.6 In respect of environmental effects, the applicant comments that the submitted Environmental Statement assumes greater environmental impacts than those which would arise in the event that JLR were to occupy the site, and includes as an example, anticipated vehicular movements being significantly lower during peak hours than as set out in the Environmental Statement as a result of JLR's shift and operational practices. For the purposes of determining the application, however, it is considered that regard should be had to the environmental effects as set out in the Environmental Statement (and as considered in the Assessment section below).

1.7 The outline element of the application provides for additional development of unit(s) falling within Use Classes B1(c), B2 or B8 (and including ancillary B1(a) offices) of maximum (total) floorspace of 70,993sqm on an area of the site of 13.19ha; illustrative material submitted with the application indicates provision of two units of maximum height 24.5m.

1.8 During the course of the application's consideration, the applicant has confirmed that the proposed employment unit the subject of the outline element of the application is proposed to be occupied in the first instance by DSV Group, a global transport and logistics company with its head office based in Denmark. The applicant's agent advises that the occupier currently has a presence in the Midlands, and employs approximately 180 employees at its plant at Kingsbury (near Tamworth). In addition to this, the agent advises, it has direct partnerships with other local companies which employ a further 60 staff in the vicinity of Tamworth. The agent advises that the occupier's current operations platform is too small and is fragmented over two sites in the Tamworth area in older environmentally inefficient buildings, and that it intends to build a new purpose-built logistics campus of 45,300sqm to consolidate and expand its existing Midlands operation on a single site. In terms of employment, the agent advises that the occupier's intention would be to expand in both the warehouse and office administration / customer service departments year on year. The potential occupier's Solutions division (in effect the warehousing side of its business) would operate from the new main warehouse, with employment projected to more than double the existing Tamworth operation to approximately 400 (and with the new jobs to be created being in the same categories as those identified above).

1.9 The outline element also proposes commercial and amenity uses for this part of the site, with the illustrative layout showing a gateway building adjacent to the proposed new roundabout (potentially to be used as a management suite for the development, a crèche, an office, a gym

or a café). The illustrative material also shows an amenity area / garden with a multi-use games area (MUGA) for use by employees and local residents.

1.10 All matters are reserved in respect of the outline element of the application save for the proposed means of vehicular access to the site from the B5493; all other "access" matters (i.e. including any other non-vehicular access into the site, together with proposed vehicular and non-vehicular routes through the site itself) are reserved for subsequent approval. The application proposes the regrading of this area of the site (i.e. so as to allow formation of site plateaux etc. as part of the site's overall cut and fill strategy); other matters (i.e. appearance, landscaping, layout and scale) would be reserved.

1.11 These cut and fill works would, in simple terms, provide for a number of development plateaux for the various proposed site plots. The plateau levels would allow for finished floor levels (FFLs) of between 88.3mAOD (i.e. metres above ordnance datum) and 92.7mAOD, with the higher plots being sited towards the B5493 frontage. Given the site's current topography (which has a general "fall" towards the north western part of the site), cut and fill to between plus or minus 6 metres of existing levels (and varying throughout the site given existing and proposed plateau levels) is proposed.

2. Publicity

14 neighbours notified.

Site Notice displayed 7 November 2018.

Press Notice published Burton Mail 15 August 2018, 5 September 2018, 7 November 2018.

3. Summary of Consultations and Representations Received

Appleby Magna Parish Council objects on the following grounds:

- Site not identified in the North West Leicestershire Local Plan, the Strategic Housing and Economic Land Availability Assessment, nor the Leicester and Leicestershire Local Enterprise Strategic Plan
- Within the Mease / Sence Lowlands National Character Area
- Impact on River Mease Special Area of Conservation (SAC)
- Loss of Best and Most Versatile agricultural land
- Loss of trees / hedgerows
- Loss of habitat / impact on ecology
- Adverse landscape impact
- Lighting impacts
- Water pollution
- No need for the development
- Misleading / inaccurate transportation information
- Poor pedestrian and cycle accessibility
- Unrealistic and misleading traffic predictions
- Increased traffic
- Impacts on highway safety

Austrey Parish Council objects on the following grounds:

- Additional traffic through surrounding villages
- Out of context and scale with the Mease Valley
- Disruption to Junction 11 and ludicrously lengthy diversions whilst changes are being made to infrastructure
- No proof of need identified in any North West Leicestershire District Council allocation plan
- Already 18 million square feet of empty warehouse space within a 30 mile radius of Appleby Magna

Chilcote Parish Meeting objects on the following grounds:

- Application is highly speculative and seeks to use proximity to the M42 as sufficient grounds to obtain permission
- Not in accordance with Local Plan as it does not meet the need for additional employment land
- Unprecedentedly massive scale of development impacting on the village, surrounding communities and countryside, with no benefit for those communities or the District
- Wrong development in the wrong place
- Not within either of the strategic growth areas within North West Leicestershire noted in the Local Plan, contrary to Policy Ec1
- Proposed development is over four times larger than the shortfall noted in the Local Plan
- Would necessitate a significant inward migration of workers either on a daily basis or permanently
- If the proposed end user(s) were a national or international firm, demand for this site from such an end user would not need to be based in North West Leicestershire, contrary to Local Plan Policy Ec2
- Site not realistically accessible by sustainable transport modes, contrary to Local Plan Policies Ec2 and IF4
- Adverse impact on capacity of M42 / A42, contrary to Local Plan Policy Ec2
- Adverse impact on the countryside resulting in loss of residential amenity, contrary to Local Plan Policy Ec2
- Adverse landscape and countryside impacts, contrary to Local Plan Policy S3
- Potential adverse impact on the River Mease SAC from surface water
- Increased traffic through Chilcote leading to highway safety issues

Clifton Campville Parish Council - no comments received

Derbyshire County Council comments as follows:

- Transport Assessment indicates that approximately 60 to 81 peak hour traffic movements across the County boundary on the A444 at Acresford, which it considers would not be severe in terms of Paragraph 109 of the NPPF
- Scheme should be supported by a robust Travel Plan
- Would be well located to potentially provide significant economic development benefits for the South Derbyshire area of the County through the creation of large numbers of jobs that could be accessible to residents in Derbyshire, particularly if well served by public transport
- Paragraph 80 of the NPPF provide that significant weight should be placed on the need to support economic growth and productivity taking account of local business needs and

wider opportunities for development; Paragraph 82 requires policies and decisions to recognise and address the specific locational requirements of different sectors, which includes for storage and distribution operations at a variety of scales and in suitable accessible locations

- Proposed scheme would be well related to the national strategic road network
- There has been a history of collisions on the section of the A444 passing through Derbyshire
- Derbyshire County Council has received complaints about HGV traffic within weight restriction order areas and has also had issues with breaches of weight limits on the Station Lane bridge in Walton on Trent
- A new link road is proposed as part of a regeneration scheme in Woodville, which could potentially add to congestion for vehicles attempting to join the A511 from the A444

Environment Agency has no objections subject to conditions

Harlaston Parish Council objects on the following grounds:

- No need demonstrated, particularly having regard to existing provision
- Employees unlikely to afford house prices / rent within commuting distance
- Impact on habitat / wildlife (including hedgerows and trees)
- Impact on River Mease
- Water and air pollution
- Traffic impact
- Highway safety
- Noise
- Little, if any, benefit to the local economy

Highways England has no objections subject to conditions

Hinckley and Bosworth Borough Council has no objections subject to Highways England being satisfied that there would be no material impacts on the strategic highway network

Leicester and Leicestershire Enterprise Partnership (LLEP) supports the application for the following reasons:

- Through its new Local Industrial Strategy, the LLEP intends to create a healthy climate for growth by building on Leicester and Leicestershire's existing place and sector strengths to boost local productivity and earning power
- The LLEP's Strategy's vision is to attract new investment and support the creation of modern and efficient businesses that are able to trade globally, while also maximising the potential of local people by developing a highly skilled workforce that is better paid and able to meet the needs of a rapidly changing economy
- Leicester and Leicestershire already has significant automotive and logistic strengths due to its central location and strong manufacturing base and the creation of a new global parts logistics centre would bring additional economic benefits to the area by generating new employment and supply chain opportunities for local people and businesses

Leicestershire County Council Archaeologist has no objections subject to conditions

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Authority has no objections subject to conditions and Section 106 obligations

Leicestershire County Council Rights of Way has no objections subject to conditions

Leicestershire Police has no objections

Lichfield District Council - no comments received

Measham Parish Council has no objections, and considers that the development would bring much needed job prospects to Measham and surrounding areas, but raises the following concerns:

- Loss of agricultural land
- Volume and impact of additional traffic
- Bus and cycle routes to the development need to be considered
- Additional area needed for overnight lorry parking and sufficient amenities (toilets, wash areas etc.)

Ministry of Housing, Communities and Local Government Planning Casework Unit advises that it has no comments to make on the Environmental Statement

Natural England has no objections subject to conditions or planning obligations to ensure no harmful discharges of foul or surface water from the application site into the River Mease or its tributaries

Netherseale Parish Council objects on the following grounds:

- Additional traffic (including HGVs) accessing roads adjacent to Netherseale
- Exacerbation of existing highway dangers at A444 junction at Cricketts Inn, Acresford
- North West Leicestershire District Council's and Derbyshire County Council's highway departments should make an assessment of the junction between the A444 and Acresford Road, Netherseale and make improvements to its safety
- If permitted, conditions should be imposed to prevent HGVs travelling through Netherseale

Newton Regis, Seckington and No Man's Heath Parish Council objects on the following grounds:

- Contrary to local and National policy
- No need demonstrated, particularly having regard to existing provision
- Employees unlikely to afford house prices / rent within commuting distance
- Inaccurate information regarding existing highways serving the site
- Location unsuitable for pedestrian and cycle access
- Traffic predictions misleading
- Noise and pollution from increased traffic
- HGVs likely to access the site via the B5493
- Increased risk of traffic accidents
- Loss of best and most versatile agricultural land
- Impact on River Mease SAC
- Loss of / damage to habitat
- Impact on wildlife / protected species
- Contribution to climate change
- Lighting impacts
- Noise
- Water pollution

North Warwickshire Borough Council initially objected to the application, and requested a meeting with the developer and members / officers of North West Leicestershire District Council. Specific issues assessed / concerns raised in the report to the Borough Council's Planning and Development Board included:

- Development is unlikely to prejudice the content of the submitted North Warwickshire Local Plan as the proposals are materially different to the scope of the proposed B2 allocation at the MIRA site (and could potentially remove some of the immediate pressure on North Warwickshire Borough Council to promote large scale distribution sites)
- Proposals will increase opportunities for employment for North Warwickshire residents but will entail other impacts such as increased travel to work movements and queries about the skills that might be offered
- Approval could lead to increased pressure for housing, so as to accommodate the additional employment provision and to reduce commuting distances
- Site is poorly served by public transport links and much of the surrounding highway network is rural in character
- Potential for HGVs to use unsuitable roads
- Appropriate levels of HGV parking will be required
- Provision needs to be made for the extension of bus services
- Site is in a wholly rural landscape
- The closest landscape character area to the application site within North Warwickshire is No Man's Heath to Warton Lowlands, an area described in the North Warwickshire Landscape Character Assessment as a well ordered agricultural landscape with scattered farmsteads and nucleated hill top villages, connected by a network of minor roads - the section of this area most affected by the development is that alongside the B5493 from No Man's Heath towards the Motorway junction and which presents an open landscape with wide views
- Proposals would introduce a substantial built form of development within this distinctly rural open landscape, and the massing, scale and rectangular buildings together with its associated lighting would have a landscape impact

- Extensive perimeter landscaping and mounding, the lowering of levels, and the use of sympathetic materials and variable ridge heights would reduce the landscape impact, but there would be a material change to the landscape when viewed from within North Warwickshire along the length of the B5493
- Potential impacts from proposed lighting (and which, even if screened correctly, would still result in a "glow" from the site)
- Whilst there are limited residents living close to the site within North Warwickshire, there could still be some noise impacts, particularly given the siting of service yards on the site's perimeter
- Proposals are potentially contrary to North Warwickshire Local Plan Core Strategy policies (including Policies NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment))

Further to a subsequent meeting between members of North Warwickshire Borough Council and representatives of the applicant, the Borough Council comments as follows:

- It is appreciated that no objections are raised by any of the five highway authorities involved; Members of the Borough Council wish to stress that their main concerns revolve around preventing HGV traffic passing through the Borough's smaller villages, the need to provide sufficient HGV parking and accommodation on-site such that drivers do not park up at inappropriate locations,
- Routeing of the site-specific bus services should be sufficiently flexible so as to pass through North Warwickshire, thus improving public transport through that part of the Borough
- Notwithstanding various mitigation measures proposed, Members remain concerned about the scale of the visual impact on what is an open and very rural landscape character and, in Green Belt terms, they would attribute substantial harm to its landscape and visual impact [NB The site is not located within the Green Belt.]
- Proposals would not comply with Policies NW12 and NW13 of the North Warwickshire Core Strategy
- Notwithstanding various mitigation measures proposed, concerns remain regarding noise and light emissions, particularly given experience elsewhere within North Warwickshire in respect of such impacts

North West Leicestershire District Council Conservation Officer has no objections

North West Leicestershire District Council Environmental Health has no objections subject to conditions

North West Leicestershire District Council Urban Designer has no objections (albeit raises a number of issues in respect of the scheme, and as set out in more detail under Design below)

Oakthorpe, Donisthorpe and Acresford Parish Council objects on the following grounds:

- Access / egress
- Environmental issues
- Congestion around the M42
- Sheer size of the development

Overseal Parish Council objects on the following grounds:

- Site not identified in the North West Leicestershire Local Plan, the Strategic Housing and Economic Land Availability Assessment, nor the Leicester and Leicestershire Local Enterprise Strategic Plan
- Within the Mease / Sence Lowlands National Character Area
- Close to the heart of the National Forest
- Impacts on highway safety
- No need for the development
- Misleading / inaccurate transportation information
- Increased traffic through Overseal with associated noise and air pollution
- Impacts on emergency service response times due to traffic
- If permitted, Section 106 obligations should be secured to provide funding for a bypass for Overseal

Packington Parish Council objects on the following grounds:

- Scale of development detrimental to surrounding area
- Development threatens the River Mease SAC
- Increased delays on A42
- A444 not suitable for increased traffic, especially HGVs

Severn Trent Water has no objections

Sheepy Parish Council objects on the following grounds:

- Site not identified in the North West Leicestershire Local Plan, the Strategic Housing and Economic Land Availability Assessment, nor the Leicester and Leicestershire Local Enterprise Strategic Plan
- Within the Mease / Sence Lowlands National Character Area
- Impact on River Mease Special Area of Conservation (SAC)
- Loss of Best and Most Versatile agricultural land
- Loss of trees / hedgerows
- Loss of habitat / impact on ecology
- Adverse landscape impact
- Lighting impacts
- Water pollution
- No need for the development
- Misleading / inaccurate transportation information
- Poor pedestrian and cycle accessibility
- Unrealistic and misleading traffic predictions
- Increased traffic
- Impacts on highway safety

Shuttington and Alvecote Parish Council objects on the following grounds:

- Loss of farmland
- Site within a Special Area of Conservation and National Character Area
- Loss of trees, hedgerows and wildlife
- Would be used for warehousing rather than manufacture, only encouraging imports and weakening UK's balance of payments

- No need for additional warehousing
- Increased traffic / congestion
- Poor accessibility other than for cars
- Increased use of Shuttington and Alvecote as rat-runs

South Derbyshire District Council makes the following points:

- Transport Assessment pays insufficient regard to the implications of the development for pedestrians in settlements such as Overseal and Stanton along the A444 where there are narrow footways with no protection for pedestrians
- Proposal likely to generate significant employment opportunities for residents of South Derbyshire, and to minimise transport impacts and to provide access for those lacking a car, provision of a bus service linking the Swadlincote urban area to the site would be essential
- Proposed measures to protect water quality and the integrity of the River Mease SAC (and, in particular, the proposal to convey foul water flows out of catchment) are welcomed; any surface drainage scheme should fully reflect Natural England's standing guidance
- Unlikely to have significant landscape or visual implications for South Derbyshire, but any mitigation in this regard should seek to minimise impacts from any distant viewpoints to the north of the site

South Staffordshire Water - no comments received

Staffordshire County Council has no objections

Stretton en le Field Parish Council objects on the following grounds:

- Development not identified in the adopted Local Plan
- Hugely detrimental impact on neighbouring villages in Warwickshire, Derbyshire and Staffordshire contrary to the duty to cooperate
- No need for the development
- Development should be on brownfield land
- Site is prime agricultural land
- Not appropriate in a rural area / impact on landscape
- Pollution
- Damage to local wildlife habitats
- Impact on the Mease / Sence Lowlands National Character Area and Special Area of Conservation
- Could lead to further similar developments in the area, causing further detrimental environmental impact
- Increased traffic / congestion, resulting in vehicles diverting via small local villages, increasing noise and pollution and the potential for accidents.
- Adverse impact on highway safety
- Poor choice of means of transport
- Increased incidents of HGVs parking in lay-bys on the A444

Swepstone Parish Council objects on the following grounds:

- Similar impacts as experienced in respect of Birchmoor Coppice development
- Increased traffic congestion
- Noise and air pollution from HGVs and standing traffic
- Roadside rest areas unavailable to motorists as become full of HGVs and become littered and used as toilets
- Low skilled employment and would employees would be recruited from the EU (including Eastern Europe) leading to a housing shortage and increased demand for school places and healthcare
- Impact on rural appearance of the area / landscape
- Sufficient employment land identified in the Local Plan and available at Bardon
- Development should be located in an area with higher unemployment
- Site at the entrance to the National Forest

Twycross Parish Council objects on the following grounds:

- Site not identified in the North West Leicestershire Local Plan, the Strategic Housing and Economic Land Availability Assessment, nor the Leicester and Leicestershire Local Enterprise Strategic Plan
- Within the Mease / Sence Lowlands National Character Area
- Impact on River Mease Special Area of Conservation (SAC)
- Loss of Best and Most Versatile agricultural land
- Loss of trees / hedgerows
- Loss of habitat / impact on ecology
- Adverse landscape impact
- Lighting impacts
- Water pollution
- No need for the development
- Misleading / inaccurate transportation information
- Poor pedestrian and cycle accessibility
- Unrealistic and misleading traffic predictions
- Increased traffic
- Impacts on highway safety
- If permitted this should be subject to an agreement that businesses on the site do not use local roads (including the A444)

Warwickshire County Council has no objections

Wigginton and Hopwas Parish Council objects on the following grounds:

- Exacerbation of traffic problems in the parish arising from new housing development
- Increased traffic through the parish of workers from Tamworth accessing the site
- Effect on the rural landscape
- Impact on wildlife
- No need for the development

Witherley Parish Council objects on the following grounds:

- Site not identified in the North West Leicestershire District Council Strategic Housing and Economic Land Availability Assessment
- Contrary to Local Plan Policy S3
- Underestimated traffic generation / traffic impact

- Poor pedestrian, cycle and public transport accessibility

Third Party representations

431 representations have been received (and including from "Residents Against Project Mercia" and "Appleby Environment"), objecting on the following grounds:

Principle of Development / Planning Policy / Countryside Impacts

- Within the countryside / outside Limits to Development
- Adverse visual and landscape impacts
- Impact from lighting
- Out of context and scale with the Mease Valley
- Adverse impact at a gateway to the National Forest
- Loss of green space
- Site used for exercise / recreation (along public rights of way etc.)
- Loss of agricultural land
- Greenfield site
- Significant amount of vacant employment land sites within the area and further afield
- Other employment sites should be extended instead
- No need for the development
- Business case not made for the development
- No other commercial development in this area
- Proposed employment should not be justified on the basis of new homes in the area
- Smaller employment units are required
- Low unemployment / insufficient availability of workforce
- No requirement for the development in the North West Leicestershire Local Plan
- Limited alternative sites considered
- Fact that site not in the Green Belt not directly relevant
- Contrary to North West Leicestershire Local Plan policies
- Contrary to policies within the NPPF
- Developers have attempted to manipulate the Local Plan
- Approval would undermine the Local Plan process
- Local Plan Examination Inspector considered that strategic B8 use was a matter to be determined on a Functional Economic Market Area basis
- Development should be considered via the Local Plan review
- Local Plan identifies Coalville as the principal town within the District and should therefore be the centre for employment development and associated housing

Transportation Issues

- Increased traffic on A42 / M42 and the roundabout at Junction 11
- Increased queuing / highway safety issues on the A42 / M42
- Increased traffic on other strategic roads, including A5 and A38
- Increased impacts on local roads and settlements affected by them, including the A444, and including villages such as Acresford, Appleby Magna, Austrey, Chilcote, Donisthorpe, Haunton, Measham, Netherseal, Newton Regis, No Man's Heath, Norton Juxta Twycross, Overseal, Seckington, Shuttington, Stretton en le Field and Twycross
- Adverse impacts on roads and settlements further afield, including Burton upon Trent, Ashby de la Zouch and Tamworth
- Local roads unsuitable for increased traffic levels
- Adverse impacts on highway safety (and including within affected villages, and for schoolchildren)

- Proposed site access in a dangerous location
- Any HGVs travelling north on the A444 would have to go to Overseal to turn around if they miss the turn towards the application site
- Increased dangers for horse riders
- Adverse impacts on local cycling routes (and the businesses users of those routes support)
- Increased damage to road conditions (potholes etc.)
- Disruption during construction works
- Developer must pay for all infrastructure improvements and any associated roadworks
- Increased lorry parking on local roads / laybys (and including overnight)
- Speed cameras required on nearby roads
- Poor accessibility by public transport
- Transportation effects exacerbated by the site's location away from likely locations of employees' homes
- Other transport initiatives (e.g. car share and cycling) unlikely to be well used
- Increased congestion to the M42 / A444 in the vicinity of Twycross Zoo
- Consideration should be given to improving the A444 in the vicinity of Twycross Zoo and at the zoo's access so as to accommodate the proposed development, and particularly in the context of proposed developments at the zoo increasing its visitor numbers

Ecological, Biodiversity, Habitat and Tree Issues

- Loss of wildlife and habitats / ecological impacts (including River Mease)
- Pollution / impacts on air quality
- Flawed ecological evidence
- Leicestershire County Council Ecologist's conclusions incorrect
- Loss of trees / woodland / hedgerows
- Adverse impact on biodiversity
- Tree Preservation Orders should be made in respect of a number of trees within the site

Heritage Issues

- Archaeological assessment required
- Impact on heritage assets
- Former farmhouse building that was on the site was in a reasonable state of repair and did not need to be demolished - the remaining farm buildings should be retained

Other Environmental Issues

- Water pollution
- Noise
- Impact on water supply
- Adverse impacts on health
- Environmental Statement omissions / unsound and based on incomplete surveys etc.
- Flooding
- Contribution of the development towards climate change

Other Matters

- Loss of property value
- Adverse impact on an area already adversely affected by HS2
- Impacts on HS2 scheme
- Lack of community engagement by the applicant
- Insufficient consultation
- Adverse impact on local regeneration / heritage initiatives
- Limited employment opportunities are provided by distribution type uses

- District Council does not need additional business rates
- Employees unlikely to afford house prices / rent within commuting distance
- No social benefit, regardless of any proposed community fund

4 representations have been received, supporting the application on the following grounds:

- Will bring employment and money into the area
- Site has good accessibility for many people given its proximity to the A42

In addition, comments have been made by members of other authorities, including members of Leicestershire County Council (Market Bosworth Division), Warwickshire County Council (Polesworth Division), Hinckley and Bosworth Borough Council (Twycross and Witherley with Sheepy Ward) and North Warwickshire Borough Council (Newton Regis and Warton Ward), objecting on the following grounds:

- Development traffic likely to make use of a rat run along the B4116 between the A5 and A444, passing through the village of Sheepy Magna
- Applicant's use of traffic data is selective
- Minimum 20% increase in HGV movements, causing particular issues in the vicinity of Twycross Zoo, and negatively affecting its functioning as a tourist attraction
- Lack of community engagement by the applicant
- Contrary to NPPF paragraph 109
- Existing unlet distribution sites in the area
- Impact on traffic on M42, A42, A5 and A444
- Adverse impact on No Man's Heath by virtue of increased traffic through the village along with noise and light pollution
- Impact of increased traffic on Twycross, Fenny Drayton and Sibson
- Environmental damage
- Impact on the countryside
- Contrary to North West Leicestershire Local Plan
- No need / demand for the development at this time
- Traffic on A444 should be limited to an emergency route only by way of condition or gentleman's agreement

Craig Tracey MP (North Warwickshire and Bedworth constituency) objects on the following grounds:

- Relatively isolated nature of the site makes it unsuitable for a development creating around 3,000 jobs
- Public transport facilities extremely limited and few potential employees within walking or cycling distance
- Exacerbation of existing congestion on M42, which would already be likely to be affected by planned employment and housing in the Boroughs of North Warwickshire and Tamworth
- Concerns shared by Highways England
- Increased traffic pressure on B5493
- Would be possible to locate this facility at East Midlands Airport and which would be more suitable
- Concerns over quality and longevity of warehousing jobs
- Future threat to jobs from automation
- Area already saturated by B8 development
- Site is within Natural England's Mease / Sence Lowlands National Character Area and a

- Special Area of Conservation
- No Man's Heath could be swamped by the development

David Tredinnick MP (Bosworth constituency) objects on the following grounds:

- Comments of Craig Tracey MP are endorsed
- Greenfield site in open countryside
- Site not identified for development in the North West Leicestershire Local Plan
- Increased traffic to A444 (including by HGVs), with resulting impacts in respect of noise, pollution and safety
- Supporting traffic information flawed / inaccurate
- Environmental damage
- No proven economic need for the development

Heather Wheeler MP (South Derbyshire constituency) objects on the following grounds:

- Green Travel Plan will not stop trucks and cars using the A444, causing mayhem in surrounding areas
- Unemployment in South Derbyshire is less than 1% of the population so workers in the new jobs will need to travel to the site, which would be unsustainable for South Derbyshire constituents

[Full details of representations are available for inspection on the file.]

4. Relevant Planning Policy

4.1 National Policies

4.1.1 National Planning Policy Framework 2019

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54, 55 and 56 (Decision-making)

Paragraphs 80, 82 and 83 (Building a strong, competitive economy)

Paragraphs 86, 87 and 89 (Ensuring the vitality of town centres)

Paragraphs 91, 92 and 98 (Promoting healthy and safe communities)

Paragraphs 102, 103, 106, 107, 108, 109, 110 and 111 (Promoting sustainable transport)

Paragraphs 117 and 118 (Making effective use of land)

Paragraphs 124, 127, 128, 130 and 131 (Achieving well-designed places)

Paragraphs 148, 150, 153, 155, 157, 158, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 170, 175, 177, 178, 180 and 181 (Conserving and enhancing the natural environment)

Paragraphs 189, 190, 192, 193, 194, 195, 196, 197, 198 and 199 (Conserving and enhancing the historic environment)

4.1.2 Further advice is provided within the MHCLG's Planning Practice Guidance.

4.2 Adopted North West Leicestershire Local Plan (2017)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Future housing and economic development needs
 Policy S3 - Countryside
 Policy D1 - Design of new development
 Policy D2 - Amenity
 Policy Ec2 - New Employment sites
 Policy Ec8 - Town and Local centres: Hierarchy and management of Development
 Policy Ec9 - Town and Local centres: Thresholds for Impact Assessments
 Policy IF1 - Development and Infrastructure
 Policy IF2 - Community and Cultural Facilities
 Policy IF3 - Open Space, Sport and Recreation facilities
 Policy IF4 - Transport Infrastructure and new development
 Policy IF7 - Parking provision and new development
 Policy En1 - Nature Conservation
 Policy En2 - River Mease Special Area of Conservation
 Policy En6 - Land and Air Quality
 Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment
 Policy Cc2 - Flood Risk
 Policy Cc3 - Sustainable Drainage Systems

4.3 Other Policies / Guidance

Design Manual for Roads and Bridges (Highways England plus others)

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

Leicester & Leicestershire Strategic Growth Plan (Leicester & Leicestershire 2050: Our Vision for Growth)

Leicestershire Highway Design Guide (Leicestershire County Council)

National Policy Statement for National Networks (Department for Transport)

ODPM Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System).

[Whilst it is noted that North Warwickshire Borough Council considers that the proposals would not comply with policies included within the North Warwickshire Core Strategy, given the site's location within the District of North West Leicestershire, the policies within this document are not considered to be applicable to this proposal.]

5. Assessment

5.1 Approach to Determination and Principle of Development

5.1.1 Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan.

5.1.2 Paragraph 11 of the NPPF provides that plans and decisions should apply a presumption in favour of sustainable development and that, for decision-taking, this means:

"... c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

5.1.3 However, the areas or assets referred to under Paragraph 11 (d) i include habitats sites (i.e. including Special Areas of Conservation (SACs)) and Sites of Special Scientific Interest (SSSIs). Furthermore, Paragraph 177 provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

5.1.4 Paragraph 12 of the NPPF provides that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

5.1.5 In effect, therefore, it is necessary to consider whether the development complies with the policies of the adopted Local Plan (when considered as a whole) and, if not, whether (in accordance with NPPF Paragraph 12), other material considerations indicate that planning permission ought to be granted (and whether Paragraph 11 subsections (c) or (d) are applicable). For the purposes of applying the tests in the NPPF, the view is taken that the adopted North West Leicestershire Local Plan is up-to-date.

5.1.6 In terms of the site's status within the adopted North West Leicestershire Local Plan, it is noted that the site lies outside Limits to Development, and is not identified for this purpose (or any other specific use) within the adopted Plan.

5.1.7 Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; insofar as employment development is concerned: the *principle* of such uses is allowed for (under Policy S3(s)) where it would comply with Policy Ec2.

5.1.8 Policy Ec2 (subsection (2)) provides that "*Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:*

- (a) *Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and*
- (b) *Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and*
- (c) *Not being detrimental to the amenities of any nearby residential properties or the wider environment."*

5.1.9 As such, in order to comply with the *principle* of development requirements of Policy S3, it would be necessary to demonstrate that there was an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites (and, if that could be shown, that the criteria in (a), (b) and (c) above would also be met).

5.1.10 A detailed officer assessment of the position in respect of the need or demand for the proposals is set out in the separate *Employment Land Requirement Considerations in respect of Application for Employment Land Adjacent to Junction 11 of A42* report attached as an appendix to this main report (and forming part of it).

5.1.11 This assessment identifies that there is a shortfall in employment land provision across the District to both 2031 and 2036 compared to the requirements identified in the Leicester and Leicestershire Housing and Economic Development Need Assessment (HEDNA) (2017), but that this shortfall is in respect of B1(a) (office) and B1(b) (research and development). However, the HEDNA did not assess the need for *strategic* scale B8 uses (i.e. units of more than 9,000sqm) for these periods, and this was instead considered in a separate Leicester and Leicestershire Strategic Distribution Study (LLSDS).

5.1.12 As set out in more detail in the attached report and in the policy wording above, Policy Ec2 is quite clear that there has to be an "immediate need or demand" for the proposed development. It is therefore necessary to only demonstrate one of need *or* demand, not both. As set out in Section 1.0 (Proposals and Background) above, the applicant has confirmed that JLR and DSV have been confirmed as future occupiers of the proposed units. There is, therefore, strong evidence of a specific demand and so the proposed development would satisfy the requirements of Policy Ec2 given this demonstrable demand for it. Furthermore, based on evidence provided by the Council's consultants there is also likely to be a more generic demand which could be met by the proposed development.

5.1.13 Whilst it is not necessary to also demonstrate *need*, the attached report does address the issue for completeness. It concludes that, in quantitative terms, the available evidence does not initially provide support for the application when looking at the requirements identified in the LLSDS. However, qualitative factors also have to be considered. In this respect the LLSDS is clear that road-based provision should occur simultaneously in two or more key corridors, and which is not currently the case in terms of sites coming forward across Leicester and Leicestershire. The application site is located within one of the Key Areas of Opportunity identified in the LLSDS and so would address this issue as well as secure a supply within the M42 / A42 corridor.

5.1.14 The proposals are therefore considered to meet this element of Policy Ec2(2); consideration of the scheme's performance against the subsequent criteria (a), (b) and (c) within

Ec2(2) is in effect addressed under Detailed Issues below.

5.1.15 Should Policy Ec2 be satisfied (and, hence, the *principle* of development element of Policy S1 be satisfied), it will also then be necessary to consider the proposals' compliance with criteria (i) to (vi) within Policy S3. Of particular relevance to this application are considered to be criteria (i), (ii), (iv), (v) and (vi), as follows:

- "(i) *the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced. Decisions in respect of impact on landscape character and appearance will be informed by the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence; and*
- (ii) *it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and...*
- ...(iv) *built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate; and*
- (v) *the development will not seriously undermine the vitality and viability of existing town and local centres; and*
- (vi) *The proposed development is accessible, or will be made accessible, by a range of sustainable transport."*

5.1.16 As per Policy Ec2 above, these issues are considered where applicable under Detailed Issues below.

5.1.17 Other Matters Relating to the Principle of Development

It is noted that the NPPF contains encouragement for the effective use of land, and in particular by maximising use of previously-developed sites (Paragraph 117). Clearly the development of this site would not sit particularly well with this approach. However, having regard to the particular nature and scale of the proposals (and the conclusions in respect of Assessment of Alternatives below), it is accepted that the scheme would not be unacceptable in this regard.

5.1.18 It is noted that, in addition to the office elements associated with the principal uses of the proposed units, other commercial uses are proposed (including a "gateway" entrance building identified for a range of potential uses such as a management suite for the development, a crèche, an office, a gym or a café) and, therefore, potentially constituting what the NPPF would define as main town centre uses. As such, the requirements of Local Plan Policies Ec8 and Ec9, together with Paragraphs 86, 87 and 89 of the NPPF need to be considered.

5.1.19 Local Plan Policy Ec8 sets out that proposals for main town centre uses will be expected to be located within the District's town and local centres unless a sequential approach has been followed, and reflects National policy in Paragraph 86 of the NPPF. The proposed gateway building would be expected to have a gross floorspace of 700sqm; under Policy Ec9, an impact assessment is required if the gross floorspace exceeds either 1,000sqm or 500sqm where the development would be located outside of a number of settlements within the District; whilst it is not entirely clear whether a site located this distance from the centres listed in the policy would be subject to the 1,000sqm / 500sqm thresholds, the closest of these settlements to this site would be Measham (where the 500sqm threshold applies). Where no locally set threshold is relevant, Paragraph 89 of NPPF provides that the threshold for assessment would be

2,500sqm; given the distance from the Measham local centre (3.4km approx.), it would be arguable that the 2,500sqm threshold would be applicable.

5.1.20 In this instance, however, it is accepted that the principal rationale for the uses proposed for the gateway building would be as incidental / ancillary uses to the principal B1(c), B2 and B8 operations on the site, and are proposed as a means of providing on-site facilities for employees, thus reducing the need to travel in order to access such services (e.g. during breaks etc.). It is acknowledged that control of such uses such that they were only available for use by staff etc. may be difficult (particularly given the proposed public access to the proposed development's associated amenity land and pedestrian routes), and the possibility of, say, passing motorists using a café could not be discounted. It is nevertheless accepted that the primary use of these facilities would still be likely to be as ancillary operations to the principal use of the site and, as set out further under Section 5.16 (Developer Contributions) below, it would be considered appropriate if Section 106 obligations were to be entered into in order to, not only help ensure that a useful staff facility is actually provided, but also to ensure the development were of the nature indicated / envisaged (and, hence, reducing the likelihood of any adverse impacts on other centres).

5.1.21 In those circumstances, the view is taken that the principles of Policy Ec8 would in effect be complied with, and strict application of the sequential approach in the same way as a fully standalone main town centre use would not be considered appropriate. Similarly, in view of the particular nature of the use and the interdependence of the town centre type uses with the principal B1(c), B2 and B8 use of the site, the impact test would not seem appropriate in this instance (even if the view were taken that the 500sqm threshold applied in this instance).

5.1.22 Overall, therefore, it is accepted that, notwithstanding that there could (on the face of it) be a conflict with Policy Ec8 of the adopted Local Plan, when considering the proposals as a whole (and including the uses potentially falling within the main town centre use category) the interrelationship between the principal B1(c), B2 and B8 and other uses would, in effect, indicate that strict application of the sequential and (depending on the threshold considered applicable) impact tests would not be appropriate in this instance, subject to the use of appropriate measures to control the nature of the use such that it was aimed towards employees. Similarly, subject to such measures, it is not considered that any unacceptable conflict with the provisions of criterion (v) of Local Plan Policy S3 would result.

5.1.23 Conclusions in respect of the Principle of Development

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.1.24 The site lies outside Limits to Development and, unless the scheme can be shown to comply with one of the development types specified under Policy S3, there would be an in-principle conflict with this development plan policy designed to protect the countryside from inappropriate development. On the basis of the conclusions above in respect of the compliance with Policy Ec2, however, the view is taken that the proposals would meet the test of there being an immediate demand for the development and, subject to the associated criteria under Ec2(2) (a), (b) and (c) also being met, the scheme would comply with Policy Ec2 (and, hence, with the in-principle element of Policy S3(s)).

5.2 Detailed Issues

5.2.1 In addition to the issues of the principle of development, consideration of other issues relevant to the application (and including those addressed within the Environmental Statement) is set out in more detail below. The Environmental Statement considers the environmental effects of the proposed development, both in their own right, and also cumulatively with a number of other developments both within the District and further afield (27 identified in total, but with their respective cumulative effects being assessed to a varying degree depending on the nature of the environmental effect type under consideration).

5.3 Assessment of Alternatives

5.3.1 The Environmental Statement sets out alternatives in terms of alternative locations and designs.

5.3.2 Insofar as the reasons for ruling out alternative locations for the scheme are concerned, the Environmental Statement concludes as follows:

Local Plan Allocation Sites:

Money Hill, Ashby de la Zouch:

Not considered suitable for development of largescale units

Sawley Crossroads:

Taken in its entirety and therefore no longer available

Lounge Disposal Point, Ashby de la Zouch:

Restrained by its requirement for a rail connection, and likely to be fettered by HS2

East Midlands Gateway:

Likely to fill rapidly, tapping into the M1 market which is a different market for the proposed scheme which is associated with its relationship to the West Midlands

Other Sites:

Current supply lacks deliverable very large plots, and other sites in this area are severely limited by the Green Belt.

5.3.3 On this basis, the Environmental Statement indicates that this is the only feasible site available to deliver the scheme. In terms of the above (and having regard to the findings set out in the attached *Employment Land Requirement Considerations in respect of Application for Employment Land Adjacent to Junction 11 of A42* report, and including those sites listed above specifically referred to in that report), it is accepted that the applicant has demonstrated that those sites assessed would not in practice be feasible whilst still meeting the identified need / demand. Insofar as the other sites are concerned, it is also considered that these would not be feasible for the reasons set out by the applicant. No other sites within the District are considered potential alternatives at this time.

5.3.4 In terms of alternative designs, the Environmental Statement refers to extensive pre-application discussions with the Local Planning Authority, and setting out the process by which

the currently proposed design was reached. Further assessment of the design quality of the scheme is set out under the relevant section below.

5.4 Socio Economics

5.4.1 The Environmental Statement includes an assessment of the proposals' potential economic impacts in terms of both the construction and operational phases. [NB The figures set out below are based on those specified in the Environmental Statement rather than the information provided in respect of the potential initial occupiers referred to under Proposals and Background above.]

5.4.2 In terms of construction-related impacts, the Environmental Statement indicates that the proposed development would involve a construction cost of over £200 million, and that, over the anticipated construction period of two years, construction of the proposed development could directly support 724 full time equivalent (FTE) gross temporary construction jobs per annum; an estimated 47.4% of these would be skilled trades (343 jobs per annum), 10.7% would be managers, directors and senior officials (77 jobs per annum), and 9.2% (67 jobs per annum) would be professional occupations. Having regard to associated impacts such as the knock-on effect on associated local employment / businesses by way of the multiplier effect, an additional 170 FTE jobs per annum are expected in what the Environmental Statement identifies as the local impact area (defined as the Districts / Boroughs of North West Leicestershire, Hinckley and Bosworth, Lichfield, North Warwickshire, South Derbyshire and Tamworth). For the wider impact area (in effect, the rest of the East and West Midlands regions), the figure would be an additional 815 FTE jobs per annum. In terms of gross value added (GVA), a total direct figure of £46.2m would be generated as a result of the construction, and with a net additional GVA of £20.7m in the local impact area, and £97.6m in the wider impact area.

5.4.3 Insofar as the operational phase is concerned, a gross of 4,781 FTE posts are expected to be generated by the development, and as per the anticipated breakdown below:

| | |
|--|-------|
| Process, plant and machine operatives | 1,086 |
| Elementary occupations | 805 |
| Associate professional and technical | 624 |
| Administrative and secretarial | 545 |
| Managers, directors and senior officials | 431 |
| Professional occupations | 407 |
| Sales and customer service | 341 |
| Skilled trades occupations | 277 |
| Caring, leisure and other service | 265 |

5.4.4 Having regard to both additional indirect employment associated with the development (and when also taking into account the reductions in employment associated with displacement of labour from other existing businesses and "leakage" of posts outside of the immediate area), the net additional FTE is identified as 3,362 in the local impact area, or 6,454 in the wider impact area. Net additional GVA is calculated as £139.1m per annum in the local impact area, and £279.9m in the wider impact area. The applicant's calculations in respect of job creation have been made having regard to nationally published guidance (including calculated average figures in respect of jobs per square metre of floorspace for different uses as set out in the Homes and Communities Agency's Employment Density Guide), and it is considered that the assumptions made by the applicant in respect of the level of economic activity generated is reasonable.

5.4.5 Insofar as the Environmental Statement's assessment of the residual environmental effects are concerned, the Environmental Statement identifies these as positive and, hence, no mitigation is required. However, the Environmental Statement also identifies additional enhancement measures intended to maximise the socio-economic benefit likely to be generated by the proposed development, and including:

- A commitment to working with local suppliers (in terms of both the construction and operation phases of the development);
- Investment in training of unemployed residents in the local impact area to minimise displacement and maximise the additionality of employment effects generated during both construction and operation;
- Designing public transport routes to link the site to more deprived parts of the local impact area; and
- Collaboration with the District Council and the Leicester and Leicestershire Enterprise Partnership (LLEP) in terms of engaging with schools and promoting careers in the logistics sector.

5.4.6 It is considered that these measures would be an appropriate means of helping to ensure that any positive economic benefits can be targeted as far as possible towards local areas. As set out above, an element of "leakage" of posts outside of the immediate area would be expected, but the above measures would help in maximising employment opportunities (both direct and within those businesses benefitting from associated economic activity) for local areas. Save for the measures in respect of prioritising public transport routes (which would be dealt with under a proposed Sustainable Access and Transport Strategy (SATS) for the site (referred to in more detail under Means of Access, Highways and Transportation (5.11) below)), the applicant proposes to secure these measures by way of Section 106 obligations.

5.5 Landscape and Visual Impact

5.5.1 The issues in respect of the principle of development in this location outside Limits to Development are set out under Section 5.1 above. However, Policy S3 of the adopted Local Plan also sets out criteria for assessing development in the countryside, and including in terms of its impacts on the appearance and character of the landscape. Policy Ec3 also requires that any employment proposals on land not so allocated are not detrimental to the amenities of the wider environment.

5.5.2 The development has been assessed in terms of its landscape and visual effects both during and after construction. The Environmental Statement identifies what the applicants' landscape consultants consider to be the site's Zone of Theoretical Visibility (ZTV) identifying locations surrounding the site where, having regard to topography (but not taking into account intervening features such as buildings or vegetation), the locations from which the development would, in theory, be visible from (based on the maximum building heights set out under Proposals and Background above (Section 1.0), and when perceived at a height above ground at the receptor of 1.65m). This then informs the process of identifying the visual envelope (and which takes into account those other existing physical features limiting actual visibility of the site. Sites within the visual envelope include land within Chilcote, No Man's Heath and the western fringes of Appleby Magna.

5.5.3 The site lies within National Character Area (NCA) Profile: 72: Mease / Sence Lowlands, and within the Regional Landscape Character Area Group 5 (Village Farmlands) (and, within that, Group 5a). Insofar as the Leicestershire and Rutland Historic Landscape Characterisation Project is concerned, the site would appear to include areas identified as very large post-war

fields, piecemeal enclosure, and plantation woodland. In terms of its current landscape value, the Environmental Statement suggests that, having regard to a number of factors including surrounding features such as major roads / intersections and the nearby service station and hotel development, the landscape of the site and its immediate context is generally "fair" and with a "medium" landscape sensitivity. The Environmental Statement also considers the sensitivity of a range of landscape receptors (including land use, topography, hydrology, vegetation, green infrastructure, public access, development transport patterns, landscape features and landscape character). The effects on a total of 17 viewpoints are also assessed.

5.5.4 In terms of the landscape effects, the Environmental Statement assesses these in terms of both the construction and operational phases.

5.5.5 In terms of the construction phase, when taking into account mitigation where applicable (e.g. from new planting etc. associated with the proposals where relevant to the construction phase), the principal (residual) effects are identified (in relation to the various receptors) as follows:

Land Use (Agriculture) - Major Adverse (gradual change from current arable use to built form)
 Topography - Moderate Adverse (Change from gently rolling landscape to development plateaus)
 Hydrology - Minor Adverse (loss of some existing on-site ponds)
 Vegetation - Minor Adverse (gradual removal of all internal vegetation)
 Green Infrastructure - Neutral (gradual construction of green infrastructure network)
 Public Access - Minor Adverse (change to existing routes)
 Development Transport Patterns - Minor Adverse (change to existing road layouts)
 Landscape Character - Major Adverse (gradual change from the open rural arable character to a developed built form)
 Landscape Features - Minor Adverse (loss of limited internal landscape features)
 Visual effects based on the selected 17 Viewpoints - Ranges from Negligible to Moderate Adverse (Gradual change from the open arable fields to built form)

5.5.6 Insofar as the operational phase is concerned (and, again, when taking into account mitigation where applicable), the principal residual effects are identified as follows:

Land Use (agriculture) - Major Adverse (change from current arable use to built form)
 Topography - Moderate Adverse (change from gently rolling landscape to development plateaus)
 Hydrology - Minor Beneficial (loss of some of the existing on-site ponds)
 Vegetation - Moderate Beneficial (loss of all internal vegetation)
 Green Infrastructure - Major Beneficial (creation of green infrastructure)
 Public Access - Moderate Beneficial (change to existing routes)
 Landscape Character - Major Adverse (change from the open rural arable character to a developed built form)
 Landscape Features - Minor Beneficial (loss of limited internal landscape features)

5.5.7 In terms of the impacts from the 17 viewpoints assessed, the Environmental Statement identifies the impacts (and when taking into account the nature of the receptors at those points (i.e. residential, pedestrians or motorists)) as follows:

M42 / A42 Junction 11 Roundabout - Negligible (motorists)

B5439 adjacent to the application site - Moderate Adverse (motorists)
B5439 No Man's Heath - Negligible (motorists); Minor Adverse (residential)
Opposite Newton Fields Farm on Clifton Road - Negligible (motorists); Minor Adverse (residential)
Junction of No Man's Heath Road and Quarry Berry Lane - Negligible (motorists); Minor Adverse (residential)
Public Right of Way P92 (north west of site) - Negligible (pedestrians)
No Man's Heath Road, Chilcote - Negligible (motorists); Minor Adverse (residential)
Public Right of Way P97 (north of site) - Minor Adverse (pedestrians)
A444 Park Farm - Minor Adverse (motorists)
Public Right of Way Q3 (at A42 to north east of site) - Negligible (pedestrians)
Tamworth Road - Minor Adverse (motorists)
Junction of Bowleys Lane and Church Road, Appleby Magna - Negligible (motorists); Negligible (residential)
Dingle Lane, Appleby Parva - Negligible (motorists); Minor Adverse (residential); Negligible (pedestrians)
Junction of Public Rights of Way Q19 and Q20 - Negligible (pedestrians)
Junction of Public Rights of Way P95 and Q1 - Moderate Adverse (pedestrians)
B5493 (south west of site) - Moderate Adverse (motorists)
Top Street, Appleby Magna - Negligible (motorists); Negligible (residential)

5.5.8 As noted, therefore, the most significant adverse effects identified in respect of the 17 viewpoints assessed would be "Moderate Adverse", and would be experienced principally by motorists as they approach and pass the application site on the B5439, and by pedestrians using Public Rights of Way P95 and Q1 to the west of the site.

5.5.9 In terms of mitigation, the Environmental Statement identifies this as including the following:

- Retention and management of all boundary planting (apart from the new access points);
- Retention of all existing topsoil on site
- Provision of substantial landscape buffers to the site around its boundaries in the form of green infrastructure;
- Creation of mounding (using the retained topsoil) in the landscaped buffer zones;
- Creation of blue infrastructure by the use of swales, balancing features and permanent bodies of water;
- Provision of landscaping to include a mixture of native and ornamental species as well as sizes;
- Provision of species rich landscaping to provide all year interest and seasonal variation;
- Provision of blocks of native tree and shrub planting to provide habitats and "stepping stones" for wildlife;
- Creation of seasonal and permanent wetland areas;
- Provision of wildflower buffers;
- Provision of semi-mature trees to provide instant impact; and
- Use of planting and hedgerows to help reduce the massing of the buildings and screening of car parking areas.

5.5.10 In addition to the above, a number of mitigation measures are proposed to be implemented during the construction phase, intended to be secured by way of the applicant's Construction Environmental Management Plan (CEMP), and including:

- Site clearance and removal of vegetation on a phased basis to limit the duration of

- impacts associated with losses of vegetation;
- Protection of all retained existing vegetation for the duration of the construction period;
- Early implementation of planting and other landscape measures where possible;
- Adherence to the site boundaries of construction and storage compounds and construction access roads, including the use of well-maintained hoardings and fencing; and
- Designing and siting of construction lighting to avoid unnecessary intrusion onto adjacent receptors and other land uses.

5.5.11 The landscape and visual assessment element of the submitted Environmental Statement has been assessed by an independent landscape consultant on behalf of the Local Planning Authority. The District Council's consultant's findings are set out in more detail below:

5.5.12 In terms of the development itself, the Council's consultant notes that the site and proposed buildings are of significant scale, and advises that the use of patterned metal cladding in graded shades of grey to the elevations of the buildings would help to break up their mass and blend into the sky in cloudy conditions, noting that such an approach has been successfully used on similar developments. However, he advises, this also has the impact of making the buildings stand out as obviously artificial elements within the rural landscape.

5.5.13 He notes that "extensive" landscape measures are proposed, comprising mainly large scale mounding up to around 7m above floor levels of adjacent new buildings and native woodland screen planting. These measures would, he advises, be helpful in screening the development over time, albeit the planting would take some time to become effective.

5.5.14 In terms of the submitted Landscape and Visual Assessment section of the Environmental Statement itself, the Council's consultant has assessed the methodology used, and had raised a number of issues in respect of this. The applicant's landscape consultant has sought to address these issues and, for the most part, they have been dealt with to the Council's consultant's satisfaction. Insofar as the submitted Environmental Statement's assertion that the landscape value of the site and surroundings is low is concerned, the District Council's consultant takes the view that, whilst it would be reasonable to regard the site and surrounding area as not comprising a "valued landscape" in NPPF Paragraph 170 terms, he nevertheless notes it is what he considers a "pleasant, gently undulating agricultural landscape" and, as such, does not consider its categorisation in the Environmental Statement as being of "low" value particularly appropriate.

5.5.15 For his part, the applicant's landscape consultant disagrees, and considers this to be a matter of subjective / professional judgement. Whilst the applicant's consultant acknowledges that, by falling within the "low" landscape value category, this does not necessarily mean that the landscape is not pleasant or has little worth, but also takes the view that, having regard to the criteria for the categorisation, it would not fall within any of the higher categories (e.g. the next category up would be "medium" which, the applicant's consultant notes, would be landscape of regional or county importance and that, whilst it is not argued that the landscape does not have an intrinsic quality, it does not have any actual designations associated with it other than being open countryside). The District Council's consultant accepts that, on this basis, the landscape would indeed fall within the "low" category, but nevertheless takes the view that application of this method of categorisation will tend to downplay effects. (Having said this, however, he notes that the Environmental Statement acknowledges in its conclusions that that "Due to the scale and type of the Proposed Development it is inevitable that there will be some significant Adverse Effects especially concerned with particular Landscape elements such as Land use and Character which cannot be mitigated against", and agrees that this is a

reasonable summary of the likely landscape effects). These effects could not, the District Council's consultant considers, be completely mitigated (and, as such, would therefore persist into the future). Overall, he considers, the landscape and visual assessment element of the Environmental Statement comes to a reasonable assessment as to the likely level of effects.

5.5.16 Based on the content of the submitted Environmental Statement and his own on-site observation (i.e. as opposed to having undertaken a full, separate, Landscape and Visual Impact Assessment), and taking into account the characteristics of the site and surrounding area (as well as the nature of the proposals themselves), the District Council's consultant assesses the landscape and visual effects of the proposed development as follows:

- The site and surrounding area, notwithstanding the presence of the M42 and A444, is generally pleasant and rural - it is an agricultural landscape with occasional blocks of woodland, and its character is rural;
- Whilst the site is close to the M42 / A42, it does not immediately adjoin the road, and does not have a strong visual relationship with it - in many views the new buildings would be visible, but the M42 would not be;
- The proposed development and the proposed buildings are of a very large scale, and would appear incongruous in the local landscape setting (albeit it is accepted that developments of this type will often need to be on greenfield sites because of their scale);
- Despite the scale of the proposed development, there are relatively few viewpoints from which its full extent would be appreciated (although, in some short distance views, the new buildings would be dominant), and no elevated viewpoints with views down onto the buildings in which their full size would be appreciated;
- The landscape proposals associated with the development are also of a large scale, and would over time assist with the integration of the development into the landscape (although some views would remain); and
- There would be some very significant and permanent adverse effects on local landscape character, and also on some views from nearby roads and footpaths (although there are few houses in the area around the site which would have views of the new buildings)

5.5.17 As such, it would appear that, whilst there are relatively few locations from which the development would have its full scale experienced, whilst the approach to cladding would assist in terms of breaking up the mass of the buildings and helping them to blend into the sky, and whilst a significant extent of landscape mitigation is proposed, the scheme would nevertheless have adverse landscape and visual effects (and which would be high level in term of their significance, and persistent over time given the inevitable limitations on the extent to which the proposals could be screened by landscaping).

5.5.18 The relationship between Policies S3 and Ec2 of the North West Leicestershire Local Plan is set out in more detail under Section 5.1 (Approach to Determination and Principle of Development) above. Policy Ec2 requires, amongst others, that development for new employment purposes on land not within the site allocated under the policy (and for which an immediate need or demand has been identified) will be subject to a number of criteria, including criterion (c) (i.e. the development not being detrimental to the amenities of any nearby residential properties or the wider environment). Policy S3 provides that, should Policy Ec2 be satisfied, a number of other criteria also apply, and including criteria (i), (ii), (iv), (v) and (vi) as set out in the relevant section. Having regard to the specific criteria impacting upon issues assessed under this section, and to the above findings in respect of landscape and visual impact, it is considered that the key criteria relevant to this part of the assessment would be (i) (safeguarding and enhancement of the appearance and character of the landscape) and (ii) (not undermining the physical and perceived separation and open undeveloped character between

nearby settlements).

5.5.19 Insofar as (i) is concerned, it is considered that, given the mitigation proposed and the limited viewpoints from which a significant effect would be experienced, it could be argued that (to a significant degree), the appearance and character of the landscape would be *safeguarded*. However, (and notwithstanding the proposed landscaping and enhanced public access / permissive footpaths), it would seem difficult to conclude that the appearance and character of the landscape would (as required by the policy) also be *enhanced*.

5.5.20 In terms of (ii), given the location of the site, and the distances between nearby settlements, it is accepted that there would be no material loss of separation between villages in the vicinity, and no conflict with this criterion would arise.

5.5.21 *External Lighting*

5.5.22 Local Plan Policy D2 provides that proposals for external lighting schemes should be designed to minimize potential pollution from glare or spillage of light, that the intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

5.5.23 The application is also accompanied by a Site Wide External Lighting Report, setting out the external lighting proposals associated with the development, and which include functional, amenity and security lighting to various areas of the site including lorry yards / servicing areas, car parks and site accesses / roadways. The report assesses the proposed lighting design in accordance with guidance set out within the Institute of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light (and, under which categorisation, the report identifies the site as being within zone E2 (which includes rural, small village or relatively dark urban locations)). It is considered that this categorisation would be appropriate in this location. The report provides that calculations have been made to assess the horizontal and vertical illuminance produced by the lighting design, as well as light pollution intensities around the site in order to appraise the "light trespass" toward nearby receptors.

5.5.24 The report indicates that all light fittings have been selected and would be fitted on a flat plane so as to minimize upward light spill, glare and backwards light spillage. It also confirms that all external lighting would be controlled with a photocell and time clock such that the lighting would be energised at low ambient lighting and switch off during daylight hours (and in accordance with the applicant's intended low pollution, low energy and low maintenance strategy). A total of seven observer reference points in locations around the site (including from nearby villages and other residential properties) have been assessed, and in all locations the calculated glare level is identified as "unnoticeable". No objections are raised by the District Council's Environmental Protection team.

5.5.25 Subject to the development being implemented and maintained in accordance with the principles set out in the submitted Report, therefore, the lighting proposals would not appear to have any adverse effects in terms of amenity issues, and the approach used would, it is considered, be proportionate to the reasonable requirements of such a facility. On this basis, it is considered that this element of Local Plan Policy D2 would be satisfied.

5.5.26 *Impacts on Existing Trees*

5.5.27 The Environmental Statement includes (as an appendix) a detailed tree survey assessing the quality of existing trees, and the application is also supported by an Arboricultural

Impact Assessment (AIA) considering the implications of the proposed development on those trees. [Whilst there is not an equivalent document in respect of the site's hedgerows, the landscape and visual impact implications of those features (and of their partial loss as a result of the development (principally within the interior of the site)) are nevertheless assessed in the main text of the Environmental Statement.] In summary, the AIA sets out that, as a result of the development, a total of 33 individual trees and 15 groups would be removed. Of these, 11 individual trees and 1 group are proposed for removal due to their condition, having been identified as being unsuitable for retention in the tree survey (albeit, by virtue of their location, some would be likely to have been required to be removed in order to facilitate the proposed development).

5.5.28 Of the trees that are identified as proposed to be removed in order to facilitate the development (and would otherwise be suitable for retention) (22 individual trees and 14 groups), the AIA identifies that the reason for their removal would be in order to accommodate changes in levels (including the cut and fill strategy referred to in Section 1.0 above), as well as site access (although it is noted that, in some cases, their location would also conflict with proposed built development); this also applies to those trees within that part of the site subject to the outline element of the application. Insofar as those individual trees or groups are concerned, one is identified as Category A (high quality) (a common oak), 14 are identified as Category B (moderate quality) and 21 are identified as Category C (low quality).

5.5.29 Paragraph 170 of the NPPF provides, amongst others, that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of trees and woodland; Paragraph 175 provides that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused. In this case, no ancient or veteran trees are proposed to be lost to the development.

5.5.30 Following the receipt of a request to serve a Tree Preservation Order (TPO) in respect of the site, the trees have been assessed by the District Council's Tree Officer, and a TPO has been made protecting a total of 27 individual trees, 5 groups and 1 woodland (T472). When assessed against the various trees protected under the TPO, it is noted that the proposed development would result in the loss of the following:

Individual Trees (using the identification system in the TPO):

- T1 Oak (classified in the submitted AIA as a falling within Category B)
- T2 Oak (AIA Category B)
- T3 Oak (AIA Category B)
- T4 Oak (AIA Category B)
- T12 Oak (AIA Category A)
- T23 Sycamore (AIA Category B (as part of a group))
- T24 Sycamore (AIA Category B)
- T25 Ash (AIA Category B)
- T26 Sycamore (AIA Category B)
- T27 Ash (AIA Category C)

Groups:

- G4 Ash and willow (including trees within AIA individuals and groups within Categories B and C)
- G5 Oak, beech, holly, ash and yew (loss in part) (AIA Category B)

In addition, sections of Woodland W1 to the north eastern boundary of the site, adjacent to the

layby on the A444, were also proposed to be removed but, following amendment, are intended to be retained.

5.5.31 Insofar as the amended plans are concerned, the District Council's Tree Officer comments that the width of the retained shelter belt (W1) as shown on the plans appears to be slightly narrower than the extent of those trees currently on the site and, as such, considers that a slightly wider area of the shelter belt than shown would be capable of being retained. The applicant's agent confirms, however, that the intention would be to retain this tree belt and that there would be no loss of trees from within it. The agent also confirms that the tree cover shown on the landscaping plans was taken from the topographical survey, and is considered to be accurate; aerial photographs would appear to confirm this. The agent also notes that the line of the proposed rerouted public right of way (as set out in more detail under Section 5.11 (Means of Access, Highways and Transportation) below) would be located outside of this area and confirms that, if any parts of the root protection areas of the trees within W1 were to coincide with the route, the path would be of a "no dig" construction so as to ensure retention of the trees.

5.5.32 Overall, however, it is considered that the majority of the most important trees on the site would be retained. Clearly, however, the loss of trees otherwise worthy of retention (whether protected under the TPO or not) would weigh against the development to a degree in the overall planning balance but, having regard to the limited amount of harm (in terms of the overall quantum of lost trees in the context of a site of this size), and when taking into account the significant amount of new tree planting proposed as part of the landscaping / amenity proposals (in excess of 100,000 new trees), it is considered that the harm that would arise would not be so significant as to warrant refusal (whether on its own or in combination with other material considerations).

5.6 Design

5.6.1 The need for good design is set out within Policy D1 of the North West Leicestershire Local Plan, together with the Good Design for North West Leicestershire SPD and relevant sections of the NPPF and Planning Practice Guidance.

5.6.2 The application is supported by a Design and Access Statement explaining the applicant's rationale for the scheme as proposed, and setting out the principal design considerations. The scheme has been the subject of extensive pre-application discussions between the applicant and the Local Planning Authority in respect of design issues.

5.6.3 In terms of key design principles, the Design and Access Statement identifies these as including:

Design and Character: The creation of an attractive, self-contained and functional development with clear identity, which relates well within its context with well-designed buildings providing clear legibility in the choice of façade materials

Functionality: To provide a development that will meet the long-term needs of occupiers for running an efficient and successful business

Standards: To meet high standards of design, safety, accessibility and energy efficiency

Protect Key Viewpoints: To design the building form and elevation treatment taking into account key viewpoints and context of the development and with views mitigated with appropriate use of screen bunding and landscaping (or, where this cannot be achieved, the architecture of the buildings should address best practice to reduce visual impact)

Orientation and Movement: To ensure that the development provides a sense of arrival for visitors arriving by vehicle or on foot, and routes for HGVs, cars, cyclists and pedestrians should be clearly segregated to avoid potential conflicts

Quality of Public Realm: To create a development which enhances the quality of public realm for all users, creating a positive work environment for the area and within public areas of the development, with new footpaths linking into the wider existing network

5.6.4 During the pre-application dialogue, officers (and including the District Council's Urban Designer) provided extensive advice and feedback on the design approach, and the applicant has sought to accommodate this advice within the proposal so far as practicable, given constraints such as occupier requirements.

5.6.5 Insofar as the site layout is concerned (and having regard to issues such as provision of amenity areas and the specification of circulatory routes for vehicles, cyclists and pedestrians), the Urban Designer is supportive of the proposals, noting positive progress in respect of the proposed open space network and creation of "softer streets" within the development. In particular, it is noted that the routes within the proposed development are not intended to be offered for adoption by the Local Highway Authority at this time and, as such, the lack of necessity to meet Leicestershire County Council highways adoption standards (and the ability to put forward a specification of road (and landscaping etc.) beyond the minimum necessary for the safe and efficient operation of the highway) mean that the applicant has been able to employ a wider range of materials and design the routes with a less "engineered" appearance. The District Council's Urban Designer welcomes the progress made during pre-application discussions in terms of the "softening" of the perimeter road, provision of blue and green infrastructure along the central avenue and the integration of protected cycleways. The District Council's Urban Designer is also supportive of the proposed approach to the areas of open space and the connected open space network that, he considers, would offer benefits to biodiversity, the management of surface water and the creation of linked walking routes integrating with the footpath network.

5.6.6 In terms of the design of the proposed buildings themselves, these can be viewed in two principal elements; the warehouse type structures, and the associated office elements attached to each unit.

5.6.7 For the units themselves, the focus of pre-application discussions has principally been on the use of different cladding options, and how these can be used to "break up" the massing of the buildings; a range of different approaches have been explored including use of different colours (including blues and greens), and how they relate to the skyline. For example, options considered include the use of horizontal bands of cladding progressively getting lighter towards the tops of the buildings so as to enable them to blend in more effectively to the landscape in front / behind, and the paler sky above, and options whereby the cladding panels are "pixelated" (i.e. arranged in a more random format in terms of both size and shade) in order to break up the mass of the elevations. The approach opted for by the applicant in this case is for the use of different coloured panels to provide a pixelated effect (albeit the panels would generally be uniform in terms of size).

5.6.8 Whilst, as set out above, a range of cladding colours had been explored, grey has been adopted, and concern has been expressed by the District Council's Urban Designer that this approach could compromise the ability to settle the buildings into the landscape as successfully as might otherwise be achieved (and, in particular, towards the ground where the sky gives way to the green of fields and tree canopies). The Design and Access Statement however indicates that the use of differently coloured green cladding sections has been explored (and is evidenced by photomontages of such an approach), but has been discounted as the use of darker greens in particular at a higher level could be more visually jarring (and attention is also drawn to the advice of the District Council's landscape consultant in respect of this issue as set out under Section 5.5 above). In officers' opinion, the likely impacts of different approaches on the landscape would depend on where the building(s) are viewed from (and against what backdrop), and officers had encouraged exploration of use of different approaches / colours to different elevations. Whilst such an approach has not been taken forward, it is nevertheless acknowledged that, even when considering a specific elevation, there may still be points from where the building is viewed where, in one location it would be viewed against the sky (and would suggest a blue or grey colour would be appropriate), but when viewing the same part of the elevation from a different viewpoint, it may be viewed in front of or behind landscaping (and hence a range of greens would perhaps be more suitable). As such, officers acknowledge that an appropriate balance needs to be struck, and it is accepted that the approach taken by the applicant is acceptable.

5.6.9 In terms of the office elements, a number of options were considered during pre-application discussions, and with officers encouraging the use of alternative building forms and details with a view to exploring the opportunity to deliver a more creative and dynamic design response. In particular, options involving creative use of glazing and timber were considered, along with a potential approach whereby each unit would have had a differently coloured office element (albeit in a consistent style) so as to make the scheme more distinctive and also aid legibility within the site itself.

5.6.10 Policy D1 of the Local Plan sets out that the Council will support well designed development. Non-residential development should, amongst other principles, have a National Forest or locally inspired identity and be of architectural quality. This is reinforced by the District Council's Good Design for North West Leicestershire SPD, which requires (in Section 4.1) development to contribute towards creating or reinforcing local distinctiveness and identity (and reflects advice in the NPPF which seeks to encourage creation of distinctive places (e.g. Paragraph 127)); Section 4.7 of the SPD provides that, in locations where there is a lack of an identifiable or otherwise distinctive identity, the Council will expect developments to draw inspiration from more imaginative sources and / or the National Forest. As such, the Council's policies would, in this location, which is outside the National Forest, require the scheme's design inspiration to be drawn from an "imaginative" source. The office element, whilst addressing some concerns raised by the Council's Urban Designer, is based on a similar design approach recently approved on a number of large scale warehouse developments in the District. Whilst the office element of the proposals does not necessarily demonstrate a locally inspired identity or is drawn from an imaginative source, the proposals are of a good architectural quality and are considered to be acceptable in design terms.

5.6.11 In terms of the proposed gateway building adjacent to the proposed new roundabout, whilst in this element of the application is in outline only, the general form of the building has been the subject of pre-application discussions. The illustrative material submitted with the application indicates, as per those discussions, the introduction of a different building form on the layout plan, suggesting a bespoke, landmark building. Whilst the detailed layout / elevations

of this building are not for consideration under this application, the District Council's Urban Designer takes the view that it is important to "set the tone" of this building at this time (particularly given its prominent location at the site's main entrance), and is supportive of the form of the building shown illustratively.

5.6.12 Overall in terms of design issues, therefore, it is considered that the scheme would perform well in terms of its layout, and the "softer" approach to internal vehicular, cycle and pedestrian movement (and including the connection between open space and pedestrian recreational routes). Whilst concerns have been raised by the District Council's Urban Designer over the fuller exploration of options regarding the approach to cladding the principal units, having regard to the practicalities of applying a "mixed" approach to cladding colours (and including the different needs / priorities that would be applicable from different viewpoints), and to the overall conclusions reached under Section 5.5 (Landscape and Visual Impact) above, the approach employed in respect of cladding is considered reasonable. Whereas it is, however, considered that the proposed office elements have perhaps not been designed in a manner as to take full advantage of the opportunity to create a more distinctive form of development, it is nevertheless accepted that the design of these elements of the scheme would be acceptable. As such, the scheme is, as a whole, considered to perform relatively well against the requirements of local and national policies in respect of design, and including Policy D1 of the North West Leicestershire Local Plan and the Good Design for North West Leicestershire SPD.

5.7 Ecology

5.7.1 Policy En1 of the North West Leicestershire Local Plan presumes in favour of development that would conserve, restore or enhance biodiversity, and that proposals that would result in significant harm to a number of protected sites or areas will be refused unless that harm is unavoidable, and can be mitigated or compensated for; similar principles are set out in Chapter 15 (Conserving and enhancing the natural environment) of the NPPF.

5.7.2 The submitted Environmental Statement includes a detailed assessment of the ecological implications of the proposed development on various receptors of ecological value, informed by a range of ecological appraisals, surveys and reports, and including in respect of various protected species. In addition to assessment of the anticipated impacts, mitigation measures (and including those set out in a Framework Ecological Mitigation Strategy) are also proposed.

5.7.3 The Environmental Statement provides that the closest statutorily designated site of nature conservation interest to the application site is approximately 1.6km from the site (being the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)); no other statutory sites are located within 2km of the site. Insofar as non-statutory designations are concerned, the Environmental Statement identifies in particular seven historic or candidate Local Wildlife Sites within or adjacent to the site. The effects of the development are assessed within the Environmental Statement in terms of both the construction and post-construction (operational) impacts.

5.7.4 Insofar as the main construction effects on habitats are concerned, the Environmental Statement identifies the following:

- Loss of a pond historic Local Wildlife Site, and loss of the Stretton Wet Woodland and A444 Roadside Verge candidate Local Wildlife Sites;
- Potential damage or disturbance to three candidate Local Wildlife Sites (Stretton Hedge Ash 1, Stretton Hedge Ash 2 and Moxon's Plantation);

- Loss of valuable habitats, comprising hedgerow, marshy grassland, open water, scattered trees and semi-natural broadleaved woodland;
- Loss of arable habitat and other habitats with limited intrinsic ecological value but which still contribute to the structural diversity of the site; and
- Potential damage or disturbance of retained habitats

5.7.5 In terms of those habitats effects arising at the operational stage, the main ones are identified as a potential decline in the conservation status of Stretton Hedge Ash 1 and Stretton Hedge Ash 2 candidate Local Wildlife Sites and retained / created habitats due to inappropriate management.

5.7.6 Insofar as the effects upon wildlife are concerned, the Environmental Statement the principal impacts during construction as:

- Potential killing or injury of protected and notable species / species groups (roosting bats, badgers, hedgehog, nesting birds) during site clearance works;
- Loss of habitat which supports roosting, foraging and commuting bats, foraging and sett-building badgers, hibernating and foraging hedgehog, breeding and foraging amphibians and nesting and wintering birds; and
- Disturbance and displacement of protected and notable species / species groups.

5.7.7 Insofar as the operational stage is concerned, potential impacts are identified as:

- Killing or injury of nesting birds during habitat management;
- Disturbance to species from operational noise, movement and lighting; and
- Road-related mortality of badgers and hedgehogs due to an increase in traffic movement.

5.7.8 These impacts are, however, addressed by way of a range of proposed mitigation measures set out in the Environmental Statement, and including new hedgerow and woodland planting, creation of new open water (including two attenuation ponds and one amenity pond), creation of wildflower grassland, installation of bat and bird boxes, managing retained hedgerows for biodiversity (including infilling gaps with native woody species), opening up the area of retained broadleaved woodland and cutting back of encroaching vegetation around a retained pond so as to improve species and structural diversity.

5.7.9 The residual effects of the proposed development (and having regard to the identified mitigation) are assessed in more detail within the Statement. Insofar as habitat issues are concerned, when having regard to the proposed mitigation, the overall effects are for the most part identified as not significant in the construction or operational phases. However, the Environmental Statement does indicate that the large-scale loss of arable land is considered to have a residual adverse effect, significant at the local level.

5.7.10 In terms of protected and other notable species, the residual effects identified include the following:

5.7.11 Bats:

5.7.12 Subject to works proceeding in accordance with a licence from Natural England, and in accordance with the proposed Construction Environmental Management Plan (CEMP), the Environmental Statement indicates that there would be no significant adverse effect on the status of any populations of bats utilising the site for roosting purposes. Insofar as foraging bats

are concerned, subject to the implementation of the CEMP and proposed lighting strategy, no significant adverse effects are anticipated.

5.7.13 Badgers:

5.7.14 Subject to works proceeding in accordance with a licence from Natural England, and in accordance with the proposed CEMP and Framework Ecological Mitigation Strategy (FEMS), and subject to the implementation of a speed limit within the development, the Environmental Statement indicates that there would be no significant adverse effect on badger populations during the construction and operational phases.

5.7.15 Hedgehogs:

5.7.16 Subject to works proceeding in accordance with the proposed CEMP and FEMS, and subject to the implementation of a speed limit within the development, the Environmental Statement indicates that there would be no significant adverse effect on hedgehogs during the construction and operational phases.

5.7.17 Amphibians:

5.7.18 Subject to works proceeding in accordance with the proposed CEMP and FEMS, the Environmental Statement indicates that there would be no significant adverse effect on amphibians during the construction phase; given a proposed increase in the quantity and quality of aquatic habitats for common amphibians within the site, a residual beneficial effect is anticipated.

5.7.19 Breeding Birds:

5.7.20 The Environmental Statement notes that the unavoidable loss of habitat for declining farmland bird species and building-dwelling species to accommodate the development would constitute a residual adverse effect which would be significant at the District level. In terms of the construction phase in particular, implementation of the CEMP would result in no significant adverse impacts. Insofar as the operational phase is concerned, whilst establishment of new habitats would be beneficial, the overall effects of increased human and vehicular activity would result in a residual adverse effect significant at the local level.

5.7.21 Under Regulation 55 of the Habitat Regulations, activities which would otherwise contravene the strict protection regime offered to European protected species under Regulation 43 can only be permitted where it has been shown that the following three tests have been met:

- the activity must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- the favourable conservation status of the species in question must be maintained.

5.7.22 Case law sets out that Local Planning Authorities must engage with these three tests at the planning application stage and demonstrate that they are satisfied that the three tests have been met prior to granting planning permission. In this case, it is considered that the tests would be met as (i) for the reasons set out under Section 5.1 (Approach to Determination and Principle of Development) above, it is considered that the site needs to be released for the proper operation of the planning system in the public interest; (ii) the works affecting the protected species would be necessary to enable the development to proceed in a logical / efficient manner; and (iii) the proposed mitigation measures would satisfactorily maintain the relevant species' status. It is therefore considered that the proposal would meet the requirements of the Habitats Regulations 2017 in respect of protected species, and would also comply with Local Plan Policy En1.

5.7.23 The submissions have been considered by Leicestershire County Council's Principal Ecologist. Insofar as the County Ecologist's advice is concerned, she considers that the ecology surveys and assessment are "thorough and excellent", and that no further survey work is required prior to determination. Following the submission of supplementary information through the applicant's Environmental Statement Addendum, the County Ecologist confirms that all issues initially raised by her have been addressed, and raises no objections subject to the imposition of a number of conditions. She also takes the view that, whilst some habitat would be lost as a result of the proposed development, a significant extent of new habitat would be created, resulting in what she considers would be a net gain in biodiversity. The proposals would therefore appear to sit well with the provisions of both Local Plan Policy En1 and the NPPF insofar as their requirements in respect of addressing impacts on ecology and promoting enhanced biodiversity are concerned.

5.7.24 Subject to the imposition of suitably-worded conditions, therefore, the submitted scheme is considered acceptable in ecological terms, meeting the requirements of Local Plan Policy En1 and would provide suitable mitigation for the habitat affected, as well as appropriate measures for biodiversity enhancement.

5.7.25 Further consideration in respect of the implications on the River Mease SAC and SSSI are set out in more detail under Section 5.10 below in respect of Flood Risk, Drainage, Water Quality and River Mease.

5.8 Historic Environment

5.8.1 Policy He1 of the North West Leicestershire Local Plan sets out the approach to assessing the impact of development on heritage assets; similar principles are set out in Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

5.8.2 The submitted Environmental Statement includes assessment of the impacts in terms of built heritage and archaeology.

5.8.3 *Designated Heritage Assets:*

5.8.4 In terms of designated heritage assets, the built heritage assessment within the Environmental Statement (informed by a Heritage Statement) considers the impacts on five listed buildings within a 1km radius of the edge of the application site, together with the Sir John Moore Church of England School (approximately 1.2km from the edge of the application site), given its Grade I status. It also considers the impacts on the Appleby Magna Conservation Area. There are no scheduled monuments within 1km of the site.

5.8.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting; Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5.8.6 Insofar as listed buildings are concerned, the Environmental Statement identifies that, during construction, residual effects would predominantly be localised but that, if cranes were to be used, these would be visible from a much wider area, and including from within the settings of nearby listed buildings. These impacts (identified as ranging between moderate and minor adverse) would be temporary. In terms of the operational effects on the listed buildings

considered, the Environmental Statement concludes as follows:

5.8.7 Park Farmhouse, Stretton en le Field (Grade II):

5.8.8 The Environmental Statement indicates that the application site forms part of the listed building's wider rural setting albeit its contribution to the building's special interest is limited. In terms of impacts on setting, the Environmental Statement draws attention to the screening effect of dense vegetation between the proposed buildings and Park Farmhouse, and resulting in a residual minor adverse impact when taking into account mitigation such as additional planting.

5.8.9 The Old Rectory, Appleby Magna (Grade II) and Coach House / Stables (Grade II):

5.8.10 Having regard to the intervening motorway / junction, the Environmental Statement indicates that the proposed development would be completely obscured, resulting in a "minor neutral" effect (i.e. a change to the heritage value of the asset which would be minor in scale and, in terms of the *nature* of that (albeit minor) change, would be neither beneficial nor harmful).

5.8.11 Church of Saint Mary the Virgin, No Man's Heath (Grade II):

5.8.12 Due to the highly enclosed nature of the wider setting of the church, the Environmental Statement indicates that the proposed development would not be visible from the church, having regard to other existing development in-between, resulting in no impact.

5.8.13 Appleby House, Appleby Parva (Grade II):

5.8.14 Having regard to the intervening motorway / junction, the Environmental Statement indicates that the proposed development would be partially obscured, with any views being incidental and not altering the appreciation of the special interest of the listed building, and resulting in a "minor neutral" effect (i.e. as per 5.8.10 above).

5.8.15 Sir John Moore Church of England School (Grade I):

5.8.16 The Environmental Statement indicates that the proposed development would be obscured by tree clumps and dense vegetation and not visible from within the wider setting of the listed building. Given the heritage asset's Grade I listing, the Environmental Statement indicates a high level of value / importance but the magnitude of impact of the development would, it suggests, be likely to range between minor and negligible; it concludes overall that it would have a "minor neutral" impact (i.e. as per 5.8.10 above).

5.8.17 No other listed buildings beyond the 1km radius are assessed, but the approach taken is considered reasonable, and it is not considered that there would be likely to be any material impact on any other listed building (nor, indeed, any other designated heritage assets other than the Appleby Magna Conservation Area (see below), and including the nearest scheduled monument (the Moated site, fishponds, formal garden and settlement earthworks east of St Michael's Church in Appleby Magna)).

5.8.18 In terms of other designated assets, the Environmental Statement identifies that most of the Appleby Magna Conservation Area is located beyond the 1km study area. Again, given the presence of existing vegetation and the intervening motorway / junction, the Environmental Statement indicates that the proposed development would not be visible, and resulting in no impact.

5.8.19 It is noted that much of the Environmental Statement's conclusions in respect of the impacts on the settings of designated heritage assets are based on the degree of visibility

between the proposed development and the various listed buildings considered. Whilst the Court of Appeal decision in *Steer v Secretary of State for Communities and Local Government* has confirmed that setting of a listed building is not necessarily confined to its visual or physical impact, it is considered that, in this case, the degree of inter-visibility would be the most significant factor in terms of the likely effects on setting and how the proposed development would impact upon users' experience of those heritage assets.

5.8.20 In view of the above conclusions, it is considered that some harm to the significance of designated heritage assets would arise (and, in particular, to Park Farmhouse), but that this harm would be less than substantial. Paragraph 196 of the NPPF provides 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...". In this instance, therefore, any harm considered to arise in respect of the heritage assets needs to be weighed against the public benefits as outlined in this report. It is accepted that, given the limited impacts on designated heritage assets, those public benefits (and including the proposed development's contributions to the economic and social strands of sustainable development as set out elsewhere within this report) would more than outweigh the less than substantial harm identified.

5.8.21 In accordance with the requirements of NPPF Paragraph 193, "great weight" should be given to the asset's conservation and, notwithstanding the approach set out in Paragraph 196, regard nevertheless still needs to be had to the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, and when applying the duty under (in particular) Section 66 of the Act together with the tests set out in the Planning Practice Guidance, the view is taken that, whilst there would be a degree of harm to the settings of listed buildings as identified in the Environmental Statement, the overall impact would be acceptable. No objections to the proposals' impacts on designated heritage assets are raised by the District Council's Conservation Officer.

5.8.22 *Non-Designated Heritage Assets:*

5.8.23 Insofar as non-designated heritage assets are concerned, the submitted Heritage Statement identifies a number of above-ground non-designated assets, none of which, it concludes, are likely to be affected by the proposals. Given these assets' locations in relation to the site, the Heritage Statement's conclusions are considered reasonable. In terms of above-ground non-designated assets, the District Council's Conservation Officer notes that buildings at Hill Top Farm are depicted on a tithe map for Stretton dating from 1844, and which indicates the presence of surviving traditional buildings on the west and south sides of the courtyard, and including a threshing barn and a stable. He notes that these buildings appear to be in fair condition and have a degree of significance that should be taken into account in determining the application.

5.8.24 Whilst the Conservation Officer encourages the retention of the farm buildings on the south side of the courtyard (principally within the outline element of the scheme), as well as the shelter belt between the farmstead and the A444 (see Section 5.5 (Landscape and Visual Impact) above), it is accepted that, as and when any reserved matters application were made, retention of those buildings would be unlikely to be practical (and particularly when taking into account proposed levels changes relating to that part of the site, and forming part of the wider site cut and fill strategy). For its part, the applicant refers to additional advice set out within the Planning Practice Guidance which notes (paragraph ref. ID 18a-039-20140306) that "*A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a*

material consideration in the planning process."; the applicant takes the view that this is the case in this instance and that, whilst remaining buildings on the site do have a degree of heritage significance, this is undermined by the loss of the farmhouse, and other buildings, which would have provided a small farm complex and which would have group value. The loss of the farmhouse and other associated buildings, the applicant considers, limits this interest and takes the view that the remaining structures can only be said to have limited heritage interest in themselves.

5.8.25 In response to this, the District Council's Conservation Officer comments that he considers the farm buildings to constitute non-designated heritage assets on the basis of their age and rarity, and does not consider that the previous demolition has undermined the significance of the farm buildings to such an extent that they are not of any heritage interest. A further response on behalf of the applicant reiterates previous views as to the buildings' heritage value, and (regardless of the difference in opinion over their status as heritage assets) goes on to consider any effects in EIA terms, assessing an overall effect of minor adverse and, when considered in the context of the advice in Paragraph 197 of the NPPF relating to the balance to be taken, the applicant considers there to be a positive balance overall. The District Council's Conservation Officer's view remains as previously stated; in addition, third party representations raise objection on the basis of the loss of existing buildings on the site. In terms of this issue overall, the view is taken that, as considered by the District Council's Conservation Officer, the existing buildings would constitute non-designated heritage assets and, as such, Paragraph 197 of the NPPF would be relevant; assessment of the proposals against this paragraph is set out in more detail below.

5.8.26 Insofar as other non-designated heritage assets are concerned, the Council's Conservation Officer also draws attention to the wider definition of heritage assets as set out in the NPPF and, in particular, landscape. When comparing the current distribution of hedgerows within the application site to those features likely to be identified as such on the 1844 tithe map, he notes that most field boundaries present in 1844 have already been destroyed. On this basis, the historic significance of the remaining hedgerows would, it is considered, be relatively limited. This is supported by the conclusions in respect of historic landscape set out within the Archaeology section of the Environmental Statement, which notes the low / negligible sensitivity of different parts of the site, particularly given the site's inclusion of what it describes as very large post-War fields (and which reflects the mapping associated with the Leicestershire and Rutland Historic Landscape Characterisation Project, and which indicates that the site includes areas identified as very large post-war fields, piecemeal enclosure, and plantation woodland).

5.8.27 In terms of the impacts on archaeology itself, the Environmental Statement is supported by a desk-based Archaeological Assessment. These indicate that evidence from cropmarks and geophysical survey work suggests the potential for below ground archaeological remains in discrete areas within the application site, likely to be of prehistoric and / or Roman dates, and also possibly, based on circumstantial evidence, medieval remains in the vicinity of Hill Top Farm. The Environmental Statement also suggests that some damage to below ground remains may also have been caused by the post-War arable farming of the site (as well as removal of former ridge and furrow earthworks), limiting the likely potential value of any finds etc. Based on the evidence available at this time, the Environmental Statement concludes that there is no reason to suggest that any archaeological remains within the site would be of sufficient heritage significance to warrant their protection in situ, and that the effect of any loss would not be expected to give rise to any significant effects. On this basis it suggests that archaeological remains identified within the site would be unlikely to be a barrier to the proposed development, or to require changes to the scheme / development parameters. The Environmental Statement provides that a programme of archaeological trial trenching would be implemented to confirm

the archaeological potential of the site, the results of which would inform any further mitigation that may be required.

5.8.28 Leicestershire County Council's Planning Archaeologist considers that, on the basis of the archaeological evaluation (including desk-based assessment and trial trenching investigation), the scheme would impact upon a landscape of limited archaeological interest. Whilst geophysical survey and trial trenching demonstrated the presence of two isolated areas of archaeological interest comprising undated ditched enclosures situated to the south west and centre of the application site, the County Archaeologist advises that little evidence was obtained to date or characterise these features and the activities they might represent, suggesting both a low intensity and / or non-domestic character of activity associated with their construction and use, possibly indicating that they may have functioned as corrals or stock enclosures. The County Archaeologist therefore recommends the attachment of conditions on any permission issued in respect of a written scheme of investigation requiring the implementation of a programme of targeted archaeological excavation and historic building survey, including a level 3 analytical historical building survey of the traditional farm buildings, and steel framed Dutch barns at Hill Farm.

5.8.29 In response to the advice of the County Archaeologist (and whilst the overall conclusions are accepted), the applicant's heritage consultant considers that an enclosure in the west of the site ought to be excluded from any further work, as this would have negligible benefit to the archaeological record given the outcome of previous trial trench work in this area. The application's agent also takes the view that the pre-demolition level 3 analytical historical building survey of the traditional farm buildings and steel framed Dutch barns on the site as recommended by the County Archaeologist would be excessive given what the agent considers the limited significance of the buildings on the site. Whilst the agent agrees that the structures should be recorded and the resultant record be deposited within a local record collection, the view is taken by the agent that the remaining buildings on the site have been subject to significant change through successive periods of alteration and are only a small part of the original farm complex, limiting their significance. The building type (described as a vernacular farmstead) is, the agent considers, a well understood building both in a national and local context. On this basis, the agent considers that the correct level of recording for Hilltop Farm would be a basic level 2 record, a descriptive record supplemented by photographs of the building.

5.8.30 At the time of preparing this report, no further comments in respect of these responses had been received from the County Archaeologist, but this matter does not impact upon the acceptability of the scheme per se. It is recommended that, unless the County Archaeologist updates his advice and takes the view that a level 2 record would be sufficient in order to record these existing features, a level 3 assessment as per his current recommendation should apply. In the event that his advice does change, however, it is recommended that any conditions imposed be amended accordingly.

5.8.31 Paragraph 197 of the NPPF provides that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". Having regard to the above findings in respect of non-designated assets, it is considered that only limited harm would arise.

5.8.32 The proposals are therefore considered to be acceptable in terms of the impacts on heritage assets, and, overall, would perform well in respect of the principles set out in Local

Plan Policy He1.

5.9 Agricultural Land Quality

5.9.1 Policy En6 of the adopted North West Leicestershire Local Plan provides that development should avoid any unacceptably adverse impact upon soils of high environmental value, and explanatory paragraph 5.26 of the Local Plan provides that "Whilst policy seeks to facilitate the diversification of the rural economy, there are also benefits to the protection of the best and most versatile agricultural land. Where appropriate we shall seek the use of areas of poorer quality land in preference to that of agricultural land of a higher quality". Paragraph 170 of the NPPF provides that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst others, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Footnote 53 to Paragraph 171 suggests that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to those of a higher quality. BMV agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification.

5.9.2 In terms of the agricultural land quality of the site, the Environmental Statement identifies it as follows:

| | |
|-------------------|----------------|
| Grade 2: | 31.2ha (32.0%) |
| Grade 3a: | 26.7ha (27.4%) |
| Grade 3b | 32.3ha (33.9%) |
| Non-agricultural: | 7.2ha (7.4%) |

5.9.3 As such, 57.9ha of the site (equivalent to 59.4% of the site (or 64.1% of the agricultural land within the site)) would be BMV. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process and the loss of 20 or more hectares is generally considered significant.

5.9.4 Insofar as the impact on the existing agricultural business is concerned, the Environmental Statement indicates that, following harvest of the 2018 crop, the agricultural land would be vacant and, therefore, the impact on the farm unit itself would be negligible.

5.9.5 In terms of proposed mitigation, whilst the Environmental Statement acknowledges that the re-development of the site would result in a permanent impact (defined as moderate, adverse) on BMV land, it proposes a degree of mitigation (re-use of soils by way of a Soil Resources Plan and a Soil Management Plan) for their most suitable purposes within the proposed scheme, enabling them to continue to fulfil their various ecosystem functions), reducing the residual effects to minor adverse.

5.9.6 The loss of this quantum of higher quality agricultural land would weigh against the proposals in assessing whether the scheme constitutes sustainable development in the overall planning balance, although would also need to be considered in the context of any demonstrated need for the development (and whether it could reasonably be provided on a site not currently in agricultural use (or of a lower grade)). Having regard to the applicant's conclusions in respect of availability of alternative sites, it would appear that it is not necessarily

the case that alternative, lower grade (or non BMV) land is available. However, this issue would nevertheless still be considered to weigh against the proposals in terms of the environmental objective of sustainable development, and an irreversible loss of 57.9ha of BMV land would arise as a result of the proposed scheme. The loss would not, however, be considered unacceptable when weighed against all other material considerations (see the overall planning balance below).

5.10 Flood Risk, Drainage, Water Quality and River Mease (including Appropriate Assessment)

5.10.1 Policy Cc2 of the North West Leicestershire Local Plan sets out a number of criteria in terms of flood risk against which proposals will be considered. Policy Cc3 sets out the requirements for the implementation (and management / maintenance) of Sustainable Drainage Systems (SuDS). The Environmental Statement includes assessment of the proposed development's impacts in terms of flood risk and drainage, informed by a Flood Risk Assessment (FRA), setting out how the site is proposed to be drained, and assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.

5.10.2 The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required. As set out under Section 5.1 (Approach to Determination and Principle of Development) above, Paragraph 177 of the NPPF provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Local Plan Policies En1 and En2 set out the relevant requirements in respect of nature conservation (En1) and the River Mease SAC (En2).

5.10.3 The proposed development includes a range of on and off-site drainage measures in respect of both surface and foul water disposal.

5.10.4 Flood Risk

5.10.5 Insofar as fluvial flood risk is concerned, the application site lies within Flood Zone 1 (i.e. low probability of flooding) as defined on the Environment Agency's flood risk mapping and the District Council's Strategic Flood Risk Assessment. As such, there is no requirement to apply the sequential test in this case. Furthermore, the FRA notes that existing ground levels are sufficiently above the 1 in 100 year modelled flood levels such that any additional fluvial flooding arising as a result of future climate change should have no impact on the proposed development site (and also indicates that the proposed on-site drainage facilities have been designed to accommodate increased future rainfall levels of up to 40%).

5.10.6 In terms of other potential sources of flooding, the FRA indicates that parts of the site are at low to medium or at low risk of surface water flooding. However, it provides that the proposed surface water drainage strategy has been designed to have sufficient capacity to receive and attenuate the surface water flows generated by up to the 1 in 100 year plus 40% climate change rainfall event without causing flooding. The FRA also indicates that the proposed site levels would be set such that flood flows would be routed away from the most sensitive areas of the

site. Insofar as groundwater is concerned, the FRA indicates that some areas of the site would have a susceptibility to ground water flooding of less than 25%, with the remaining areas not being considered susceptible. In terms of artificial sources of flooding, the FRA indicates that existing culverts would be removed as part of the development, thus removing the possibility of flooding due to blockages etc.

5.10.7 *Surface Water*

5.10.8 In terms of the proposed surface water drainage system, the application is accompanied by a surface water drainage strategy which proposes incorporation of SuDS within the on-site drainage design. The design principles for this strategy include: the rate of the run-off leaving the site being restricted to the rate of 4.2 l/s/ha (equivalent to greenfield runoff rate); collection of surface water run-off from hardstanding areas using positive drainage systems in the form of linear drainage channels and gullies positioned at strategic locations around the site discharging to proposed attenuation ponds; provision of oil separators and catchpit sumps (in the channels and gullies) to ensure that oils and silts do not enter the surface water system; and attenuation systems designed to have the capacity to receive surface water flows generated by a 1 in 100 year plus 40% climate change storm event. In terms of the proposed attenuation ponds, the FRA confirms that these would have side slopes no steeper than 1:3 (so as to reduce the risks associated with maintenance activities), and a freeboard of 300mm above the design level to accommodate for exceedance events.

5.10.9 Insofar as the proposed surface scheme is concerned (and following the submission of additional information intended to address their earlier concerns), neither the Environment Agency nor the Lead Local Flood Authority (LLFA) raise objections subject to conditions.

5.10.10 Insofar as the amenity impacts of the proposed SuDS features are concerned, the District Council's Good Design for North West Leicestershire SPD provides that careful attention will need to be afforded to the softer design of headwalls to attenuation basins and seeks to avoid steeply sided SuDS features (and which, as a result, require the use of safety fencing, thus reducing their usefulness as open space). In this case, the proposed basins are considered to be of an appropriate profile, and would, it is considered, make a positive contribution to the amenity value of the newly-created public access land. In terms of the materials to be used in the external finishes of the proposed headwalls, the agent confirms that this could be dealt with by condition; this would be considered acceptable. No proposed fences to the SuDS features are indicated within the submissions but, having regard to the profiles of the proposed basins (and, as indicated above, which would not generally be steeper than 1:3), widespread use of safety fencing would not appear likely to be required. As such, the proposed SuDS features would be considered to meet the Council's requirements in terms of their visual amenity value.

5.10.11 *Controlled Waters*

5.10.12 As a result of the formal EIA scoping process, land contamination issues were scoped out of the Environmental Statement. Nevertheless, in commenting on the application, the Environment Agency has had regard to the contents of a ground investigation report (submitted at the EIA scoping stage) which identified only minor concentrations of contaminants (given the site's historical predominantly agricultural use), and which are not considered to represent a significant risk to controlled waters receptors.

5.10.13 In terms of other sources of pollution and their effects on the water environment, the Environmental Statement identifies these (and their mitigation where relevant) as follows:

5.10.14 Suspended Sediment:

Construction impacts are proposed to be mitigated by way of phasing of construction operations and organisation of the site so as to minimise the areas of exposed sediments within the development at all times, inclusion of facilities within the drainage system to trap and remove sediment, and for the placing of soil stockpiles in bunds or within geotextile fencing, to reduce the transfer of sediment from the stockpiles into the watercourse. This, the Environmental Statement suggests, would result in no significant residual effect on the water environment.

5.10.15 Hydrocarbons and Chemicals:

Use of standard construction practices (including appropriate storage of hydrocarbons and chemicals, regular checks and maintenance to prevent leaks, and provision of drip trays) would, the Environmental Statement indicates, significantly reduce the opportunities for oils and chemicals to be spilt or leaked on the site, and would reduce and manage the pathways for oils and chemicals to enter watercourses during the construction phase. The Environmental Statement also recommends storage of hydrocarbons and chemicals away from surface water sources during the operational phase.

5.10.16 Works adjacent to the Watercourse:

In terms of any construction works adjacent to a watercourse, the Environmental Statement sets out a range of considerations that would need to be taken into account in the event that an Ordinary Watercourse Consent is required from the LLFA. Subject to these measures being implemented, along with the CEMP, no significant effects are expected.

5.10.17 On the basis of the above, the Environmental Statement concludes that the only significant residual effects in this regard would be (for both construction and operational phases) in terms of potential severe spillages, but that the likelihood of such an event is low and, as such, such potential impacts on water quality would not represent a constraining factor on the proposed development.

5.10.18 Subject the above, therefore, and subject to the imposition of conditions, the Environment Agency raises no objections to the application, and the development is considered acceptable in this regard.

5.10.19 *Foul Drainage*

5.10.20 Insofar as foul drainage is concerned, the scheme proposes pumping of foul sewage out of the catchment of the River Mease. This would be achieved by way of a proposed pumping station located close to the western edge of the site, and which would, via a rising main, discharge to the foul network in Tamworth, approximately 10.3km from the application site. The FRA confirms that there is sufficient capacity at the treatment works in Tamworth to accommodate the loads. For its part, Severn Trent Water notes the intention to pump foul sewage to Tamworth Sewerage Treatment Works. It advises that is subject to the completion of a Section 98 sewer requisition process, and that the drainage strategy has been agreed in principle. It is noted that the submitted documents address a potential interim position in the event that the first unit were to be occupied before completion of the connection to the treatment works in Tamworth; in such a situation, the intention would be to pipe foul water to on-site underground storage tanks, from where it would be collected into tankers on a daily basis and removed from site (and disposed of out of catchment (indicated as likely to be at Tamworth sewage works)). Whilst such an approach would not be considered an appropriate solution on a permanent basis, it would nevertheless ensure that there would be no additional foul discharge within the River Mease catchment pending completion of the Tamworth connection. It is

recommended that a condition be attached (or, if more appropriate, planning obligations be entered into) so to ensure that any such arrangement would only be temporary in nature.

5.10.21 In terms of the proposed rising main, this does not, in itself, form part of the current planning application, and is intended to be constructed through statutory arrangements with Severn Trent Water. These works would, in the main, be off-site and, as such, the most appropriate way to secure compliance with this out of catchment solution would be considered to be by way of negatively worded ("Grampian" style) condition preventing use of the proposed development until such time as a scheme of foul sewage for the development to an appropriate treatment works (i.e. out of the River Mease catchment) had been provided. Whether or not those off-site works required any planning permission (or, indeed, any other form of approval) would be a matter for the developer to address with the relevant planning authority(ies) / consenting authority (and, put simply, the developer would be unable to occupy the development the subject of this application until such time as those separate matters had been addressed).

5.10.22 Notwithstanding any separate process the developer would need to address in respect of the proposed rising main, the issue of cumulative effects associated with the construction of the rising main has (as far as possible at this stage) been addressed in the Environmental Statement, with the rising main (together with, similarly, potential gas and electricity supply routes) being included for the purposes of assessment of cumulative and in-combination effects.

5.10.23 *River Mease SAC / SSSI*

5.10.24 As set out above, the site lies within the catchment area of the River Mease SAC / SSSI, and the application is accompanied by additional information (and forming part of the submitted Environmental Statement Addendum) in order to enable the Local Planning Authority to undertake an Appropriate Assessment of potential impacts on the SAC. This information has been assessed on the Local Planning Authority's behalf by a specialist consultant.

5.10.25 In particular, the applicant's Appropriate Assessment document sets out the qualifying features of the SAC, the conservation objectives, the vulnerability of the SAC, and the SSSI's condition (which is currently "unfavourable").

5.10.26 In terms of potential effects on the SAC, the submitted Appropriate Assessment document assesses these in respect of both the construction and operational phases, and considering in particular pollution to groundwater, human-induced changes in hydraulic conditions and invasive non-native species. Consideration has also been given to in-combination effects with other plans or projects.

5.10.27 In terms of groundwater pollution, the applicant's Appropriate Assessment document indicates that, during construction works, there would be no requirement for any fixed facilities from which pollutants would be discharged into groundwater, nor would any point source pollution of groundwater be anticipated. Whilst the potential for polluted run-off (e.g. oil or dust) during the construction phase is identified, given the temporary nature of the proposed works, and the distance of the site from the River Mease SAC itself, the likelihood of any localised pollution impacting upon the conservation status of the SAC as a whole is identified as "very low". It also indicates that, subject to the applicant's CEMP (and which includes a Construction Ecological Management Plan (CEcMP)) being implemented (and as identified above), no pollution impacts on groundwater would be likely. Insofar as the operational phase is concerned, the applicant's Appropriate Assessment document notes that, in the absence of

mitigation, foul water or surface water run-off could potentially contribute to increases in phosphate-rich fine sediment within the River Mease catchment but (as set out above), it is proposed that foul water would be pumped out of catchment thus avoiding any potential impacts in this regard (and subject to ; in terms of the surface water aspect, the document draws attention to the proposed SuDS scheme forming part of the proposals. On this basis, it is indicated that no pollution to groundwater would take place.

5.10.28 Insofar as changes in hydraulic conditions are concerned (e.g. drying out, flooding or abstractions), the submitted Appropriate Assessment document considers that impacts during both the construction and operational phases would be negligible by virtue of the implementation of the CEMP during construction, and due to the proposed pumping out of foul water and use of SuDS when operational. Whilst, in the absence of mitigation, there could be the potential for increased water levels in ditches adjacent to the site (and which flow into the River Mease) during construction, the submissions indicate that, given the temporary nature of the proposed works, and the distance of the site from the SAC itself (1.6 km), the likelihood of any localised releases of water impacting upon the status of the SAC as a whole would be low. Nevertheless, subject to the implementation of the CEMP, even these impacts would not occur. The use of the SuDS measures proposed would, it is considered, address any impacts on flow rates that could otherwise result from the provision of the large extent of hard surfacing associated with the development.

5.10.29 The risk of non-native plant or animal species threatening the status of the SAC as a result of the development is also considered negligible, subject to the implementation of the CEMP, and on the basis that no invasive species are proposed within the landscaping scheme.

5.10.30 Further to the submission of the Appropriate Assessment document, supplementary information has been provided in order to provide further clarity in terms of the ways in which the scheme (if unmitigated) could potentially impact upon the conservation objectives of the River Mease, to identify what harm could result, and to explain in more detail why, in the applicant's view, the mitigation proposed would preclude such impacts.

5.10.31 Insofar as the applicant's findings are concerned, it is noted that the CEMP is intended to control site drainage and hazardous materials during the construction phase, and incorporating a number of measures relating to water quality such as provision of measures to trap and reduce the transfer of sediment, disposal of any construction site sewage (via tankers), and appropriate storage of any potentially hazardous materials. It is considered that, subject to appropriate monitoring and enforcement by the District Council's Environmental Protection team, the protections afforded by the CEMP would achieve the aims identified and, as such, secure the mitigation envisaged.

5.10.32 In view of the advice of the LLFA in terms of the suitability of the proposed SuDS measures to achieve the surface water discharge rates intended, it is also accepted that no adverse impacts would be likely on the hydraulic conditions of the river. The proposed pumping out of foul sewage would also ensure that no increased flows were required to be accommodated within sewerage treatment works discharging to the River Mease, and the comments of Severn Trent Water confirm that this mitigation can be achieved (and could be secured by way of an appropriate condition on any planning permission granted).

5.10.33 For the reasons set out in the applicant's Appropriate Assessment document, which the Council adopts, the proposal will, either alone or in combination with other plans or projects, have no adverse effects on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and

would comply with the Habitat Regulations and Local Plan Policies En1 and En2.

5.10.34 Insofar as the overall conclusions of the Environmental Statement in terms of flood risk and drainage issues are concerned, the Environmental Statement identifies potential significant construction effects as including potential impacts on water quality and biodiversity, but a number of mitigation measures are proposed in respect of the management of sediment, hydrocarbons and chemicals. During the operational phase, the effects identified were considered not significant, but mitigation is nevertheless proposed relating to storage of hydrocarbons and chemicals, and maximising the use of SuDS. Having regard to these mitigation measures, the significant residual effects are identified in the Environmental Statement as being limited to the risk to water quality in the event of a severe spillage.

5.10.35 In terms of Flood Risk, Drainage, Water Quality and River Mease issues overall, therefore, the view is taken that the proposals would result in no adverse impacts (after appropriate mitigation) by way of the various measures set out in the supporting documents (including the Environmental Statement and CEMP). The proposals are therefore considered to comply with the requirements of Local Plan Policies En1, En2, Cc2 and Cc3 (insofar as they relate to these particular issues).

5.11 Means of Access, Highways and Transportation

5.11.1 As set out in the introduction above, the application is in part full and in part outline. Insofar as the outline element is concerned, however, the proposed vehicular accesses into the site from the B5493 are included for consideration at the outline stage (including a new roundabout junction at the south eastern end of the site (located approximately 80 metres from the M42 / A42 Junction 11 roundabout) and a priority junction at the south western end (for use by cars and buses only)). Associated off-site works include proposed partial signalisation of the Junction 11 roundabout.

5.11.2 As set out under the preceding sections relating to principle of development and the associated appendix report assessing the scheme's performance in respect of Policy Ec2, two key criteria under that policy are the site's accessibility (or potential to be made accessible as a consequence of any planning permission granted for the development) by a choice of means of transport, and the need to have good access to the strategic highway network. The submitted documents (including the Environmental Statement and associated Transportation Assessment and Travel Plan) have been assessed by both the County Highway Authority and Highways England, and their conclusions are set out in more detail below.

5.11.3 Site Accessibility

5.11.4 In terms of pedestrian and cycle connectivity, as set out in the introduction above, the proposals include for internal pedestrian and cycle routes, with a 2m wide cycleway and a 2m wide footway proposed to be provided alongside the principal estate loop road; externally, 2m wide footways would be provided adjacent to the proposed roundabout access, and along a short section of the south eastern side of the B5493 from Junction 11. Pedestrian crossings and additional footways are also proposed at various points adjacent to the Junction 11 roundabout itself.

5.11.5 Insofar as public transport is concerned, the site is not currently well served, with only two hourly services being available (from Appleby Magna), and no regular services serving the site itself. As such, the applicant's transport consultant has been liaising with Leicestershire

County Council in order to establish an appropriate solution in terms of providing realistic transport choice for potential employees. In brief, it is the applicant's intention to establish a Sustainable Access and Transport Strategy (SATS) for the site, and with the submitted Travel Plan indicating an intention to define a level of service of buses from two key locations (i. e. Burton upon Trent / Swadlincote and either Tamworth or Coalville / Measham) to provide up to four shift change services per day plus two office time services.

5.11.6 In terms of public transport provision, the County Highway Authority advises that the applicant has analysed the local service provision, the anticipated employee catchments, and the operational requirements based upon the proposed land-use and any potential end user requirements (and which are yet to be determined). It has also analysed forecast demographic changes based upon housing allocations and recently permitted sites within a defined catchment area, based upon a 30 minute commuting catchment from the development site. The location of the workforce based upon the current population centres, and forecast planned growth, is anticipated to be focused around Coalville, Ashby de la Zouch, Tamworth, Swadlincote, Burton upon Trent, Lichfield and Birmingham (with Birmingham and Tamworth indicated in the submitted Travel Plan (using a gravity model) as likely to provide the highest numbers of employees (approx. 25% combined)), but it is acknowledged that this could change over time (for example due to changes in demographics or employment policies etc.) as well as depending on the precise nature of the businesses eventually occupying the site, and, hence, any public transport strategy would need to be revised to reflect this.

5.11.7 At this time, therefore, the applicant intends to implement a relatively flexible approach to employee / public transport provision so as to allow for services to be amended in terms of destinations and type of service as circumstances dictate. Furthermore, in the first instance, the core working hours for office workers and operation of the site is likely to be influenced by the eventual end user's requirements. Whilst this results in a degree of uncertainty for both the Local Planning Authority and Leicestershire County Council as to what form the eventual public transportation solution(s) would be once the site was operational, the County Highway Authority is nevertheless supportive insofar as the need for flexibility to accommodate a number of at present unknowns is concerned and, furthermore, given that the timing and implementation of a service is critical for optimal employee take-up and the consequential success of the public transport strategy. The County Highway Authority confirms that it agrees with the applicant's position that a flexible approach should be taken to public transport strategy in terms the most effective, operationally sustainable and reliable service. In practice, the strategy implemented could allow for three potential approaches (or, possibly, a combination of them), namely (i) changes to existing public services, (ii) provision of new public services, or (iii) the site's operators running their own service for staff.

5.11.8 Whilst it is considered that a commitment at this point to new or enhanced fully publicly accessible bus services would have the greatest wider public benefits, it is nevertheless accepted that regard needs to be had to how best to ensure that any service implemented is sustainable (commercially) in the long run, and maximises its attractiveness to employees so as to (i) encourage employees to access the site by more sustainable modes of travel and (ii) provide realistically accessible employment prospects for those potential employees who, for which may be a variety of reasons, are without access to the private car.

5.11.9 The submitted Travel Plan identifies that, having regard to the 2011 Census Journey to Work data for this area, 77% of people who work in the area travel by car and 8% are car passengers, equating to an overall proportion of 69% as single occupancy car drivers; whilst the Travel Plan acknowledges that it is difficult to set targets for the site prior to any recruitment, it nevertheless identifies a modal shift target of 8%, so as to reduce single occupancy car

journeys to 61%. Notwithstanding the proposed sustainable transport measures for employees, therefore, it is noted that, overall, this still represents a significant number of employees who would not be accessing the site by sustainable modes of travel. However, this needs to be considered in the context of what levels would be likely to be achievable in other comparable locations in the areas considered for the purposes of the employment land need / demand / supply assessment, and a balanced approach needs to be taken to consideration of issues in respect of accessibility and employees' modes of travel. It is also noted that, for the purposes of meeting the policy test set out in Local Plan Policy Ec2, the requirement is in respect of what sustainable travel choices are *available* for employees. On this basis, it is accepted that, in terms of meeting the requirements of Policy Ec2(2)(a), the scheme would, overall, (and subject to the precise nature of the SATS) provide for an acceptable degree of accessibility by sustainable transport modes.

5.11.10 In addition to the SATS proposal set out above, the County Highway Authority also seeks mitigation as follows:

- Implementation of a Travel Plan (including the appointment of a Travel Plan coordinator);
- Payment of a monitoring fee to the County Highway Authority in respect of the Travel Plan;
- Provision of 6 month employee bus passes to 15% of the workforce (or payment of £360 per pass to Leicestershire County Council for the County Council to provide them on the applicant's behalf);
- Provision of Travel Packs to be provided to each employee in accordance with details first agreed with the County Highway Authority (or payment of £52.85 per employee to Leicestershire County Council for the County Council to provide them on the applicant's behalf); and
- Monitoring and evaluation of development HGVs using the A444 for a period after opening / occupation (see below).

5.11.11 *Impact on the Wider Highway Network*

5.11.12 The County Highway Authority advises that, as a large development (and, therefore, involving complex and interrelated transport issues), this scheme has been tested using a strategic traffic model so as to enable the effects of traffic redistribution and the interaction between junctions to be tested. This strategic analysis is then followed by more refined detailed analysis to consider specific impacts. The County Highway Authority confirms that the following approach has been taken in this case:

- (i) Strategic Modelling, using the Pan Regional Transport Model (PRTM) (which, the County Council advises, is important given how local roads and junctions can be sensitive to variation in traffic flow);
- (ii) Microsimulation Modelling, assessing the impact of development traffic at Junction 11 of the M42 / A42, and which is modelled lane-by-lane; and
- (iii) Local Junction Testing (undertaken manually, with the access junctions tested in isolation with traffic having been assigned to the network using the methodology described above).

5.11.13 Following the application of TRICS data applicable to a development of this type, location and scale, detailed calculations of the expected numbers of arrivals and departures to and from the site of both large and small vehicles, and at various times of the day, have been agreed by the County Highway Authority. The distribution of these trips (and when taking into account the different distributions associated with different types of vehicles using the site) has also been assessed.

5.11.14 For employees' cars and other light traffic, distribution has been derived using 2011 Census journey to work data for the Middle Super Output Area (MSOA) relevant to this site. This MSOA analysis identifies the following distribution:

| | |
|---------------|-----|
| A42 (N) | 20% |
| Tamworth Road | 5% |
| A444 (S) | 13% |
| M42 (S) | 28% |
| B5493 | 12% |
| A444 (N) | 21% |

5.11.15 Insofar as HGVs are concerned, the County Highway Authority advises that, based on Department for Transport freight statistics (and refined using local data from the Magna Park Distribution Centre), the anticipated freight / HGV distribution associated with the development would be:

| | |
|---------------------|-------------|
| M42 / A42 (N and S) | 78% approx. |
| A444 (S) | 22% approx. |

5.11.16 This trip distribution information is used as one the key parameters included within the PRTM modelling, and which is capable of producing a gravity model to predict freight movements. The PRTM model suggests a different distribution compared to the applicant's own analysis but, the County Highway Authority advises, is not unexpected given the two methodologies are different. The County Highway Authority summarises the key differences as follows:

| | <i>Applicant</i> | <i>PRTM</i> |
|---------------|------------------|--------------|
| A42 (N) | 29% | 31% |
| Tamworth Road | 1% | Less than 1% |
| A444 (S) | 20% | 40% |
| M42 (S) | 49% | 13% |
| B5493 | Less than 1% | 11% |
| A444 (S) | 1% | 5% |

5.11.17 In particular, it can be seen from these figures that there is a significant difference between the anticipated HGV movements on A444 (S) and M42 (S), and that the PRTM suggests a greater level of HGV traffic attracted to the A444 to and from the A5, rather than using M42 (S).

5.11.18 In its advice to the Local Planning Authority, the County Highway Authority acknowledges that traffic distribution forecasting is complex and considers that the distribution of HGVs would be likely to be somewhere between the two predictions. However, the County Highway Authority advises that its analysis of the impact of development traffic on the network sets out the worst-case scenario (informed by the PRTM analysis which predicts a greater level of HGV movement on the A444).

5.11.19 The County Highway Authority's advice summarises the key implications of the development proposals as follows:

- In terms of the total traffic generated by the development, this is forecast to be concentrated on the M42 southwest of the proposed development towards Birmingham and Tamworth. It would also be concentrated on the A42 to the north east towards Ashby de la Zouch and Coalville. The strategic highway network is forecast to take the

- majority of development traffic.
- Development traffic is anticipated to also be concentrated A444 southwest towards the A5.
- When development traffic is added on the main routes, traffic volume would increase on these routes. The B5493 is an exception to this where, once development traffic is on the network, traffic already on the link would be anticipated to re-route. Non-development traffic is anticipated to re-route from Austrey Lane between Warton (Warwickshire) and Junction 11 of the M42 / A42 onto the Norton Lane towards the A444 in Leicestershire. This is due to the impact of development at Junction 11 with no mitigation in place; traffic reroutes due to increased delays.
- The traffic re-routing described above is referred to as displaced traffic. The routes with the greatest level of displaced traffic would be the M42 / A42, A444 and the B5493 where drivers may take an alternative route. In all cases, this displaced traffic would be fewer than 50 vehicles during both peak hours.
- As a result of development traffic, delays are anticipated at Junction 11, the A444 north of Junction 11 and the B5943 approach to Junction 11. The increase on the B5943 would be due to the new roundabout access proposal and increases in the delay at Junction 11.

5.11.20 The County Highway Authority confirms that junction capacity and the impact of the development traffic has been analysed using the PRTM which, it advises, takes account of development traffic and the complexity of re-routeing traffic. The modelling tests the impact without and with development traffic at local junctions, and a detailed graphical analysis provided by the County Highway Authority indicates that:

- The 2031 AM scenario is the worst-case scenario meaning there is the greatest volume of traffic on the network;
- Junction 11 of the M42 / A42 and Junction 12 of the A42 are anticipated to have the greatest increase in delay on the strategic highway network; and
- The A444 has link and junction capacity to accommodate the development traffic.

5.11.21 Analysis undertaken using the PRTM has indicated a number of areas where the network is approaching or is already over capacity; the latter is a situation which would be exacerbated by development traffic. This is not the situation on the A444 however, and the County Highway Authority has requested the applicant to undertake additional analysis of the A444, and in particular the route between J11 south towards the A5. The County Highway Authority advises that this analysis indicates that the A444 has capacity to accommodate the traffic associated with the worst-case scenario using a range of data sources. Moreover, junctions on the A444 have been identified to operate under capacity during the worst-case scenario in the future year forecast taking into account interrelated transport implications which arise as a result of development including congestion, queueing, delays, direct impact of HGVs and re-distribution effects. Whilst it has been suggested in third party representations that consideration should be given to improving the A444 in the vicinity of Twycross Zoo and at the zoo's access (and particularly in the context of proposed developments at the zoo increasing its visitor numbers), it is not considered that the likely impacts identified would justify this; should any improvement to the zoo's access be required so as to accommodate increased visitor numbers, this would more appropriately be secured in association with any applications for those zoo-related schemes.

5.11.22 As referred to above, the County Highway Authority has recommended that monitoring and evaluation of development HGVs using the A444 be secured (by way of a Section 106 obligation); this is proposed in order to ensure the levels of HGV traffic on the A444 compare to those forecast in the transport assessment. The submitted Travel Plan indicates that

the operator(s) of the site would be required to provide information to drivers regarding the use of suitable routes for HGV traffic, and supporting directional signing within the site would direct drivers towards principal routes and that, should the level of HGV traffic approach those forecast in the transport assessment, additional driver training would be provided.

5.11.23 In terms of the impacts of the development on highways further afield, comments in respect of highways issues have been received from Derbyshire County Council, South Derbyshire District Council, Staffordshire County Council and Warwickshire County Council.

5.11.24 As set out in the summary of representations above, Derbyshire County Council has drawn attention to a history of collisions on the section of the A444 passing through Derbyshire, and has received complaints about HGV breaching weight restrictions in this area and in Walton on Trent. Attention is also drawn to a new link road proposed in Woodville, and the associated potential for increased congestion for vehicles attempting to join the A511 from the A444. For its part, South Derbyshire District Council draws attention to the potential impacts on pedestrians in settlements along the A444 where there are narrow footways with no protection barriers. In response to these concerns, the applicant's transport consultant refers to the forecasts in respect of HGV routing in this direction, and considers the impact to be *de minimis*, nor would there be any material impacts on the other weight restriction areas highlighted. Insofar as the comments regarding impacts on pedestrians is concerned, the applicant's transport consultant comments that issues of pedestrian delay and amenity, severance and fear and intimidation are addressed in the Environmental Statement (and which concluded that there would be no significant impacts arising). No further comments have been made by Derbyshire County Council and South Derbyshire District Council in respect of this clarification. Whilst it is noted that Overseal Parish Council has requested a financial contribution be made towards a bypass for that village, based on the submitted transportation evidence, there does not appear to be identified requirement for such a facility as a result of the impacts arising from the proposed development.

5.11.25 During the course of the application, Staffordshire County Council has requested submission of various additional details of supporting information in respect of impacts upon the local highway network within that county. In particular, on the basis of information provided (and when having regard to committed sites elsewhere), Staffordshire County Council had confirmed that it was content that the proposed development would not have a significant impact on the road network in Burton upon Trent (and including on that part of the A444 passing through Staffordshire). However, on the basis of data sourced from the PRTM, Staffordshire County Council had expressed concern that the proposed development would be likely to lead to a significant impact in Tamworth at what it has advised are sensitive junctions. The locations of concern are the Upper Gungate corridor (A513) from the Offa Drive junction to the Fountain junction (i.e. where the B5493 Ashby Road meets the A513 Comberford Road), and the junction of the A513 Comberford Road / Gillway Lane / Coton Lane.

5.11.26 Following further assessment (and the submission of supplementary information by the applicant), however, Staffordshire County Council advises that, on balance, the applicant has presented a robust case demonstrating that, in reality, traffic from the development in the horizon year of 2031 is not likely to have a severe adverse impact on these junctions. In particular, Staffordshire County Council advises, development trips through the Upper Gungate corridor are likely to be less than the Leicestershire strategic model predicts, as the M42 route would be more attractive than re-routing through Tamworth. The County Council takes the view that the trip rates and development mix used in the Transport Assessment are robust, particularly when having regard to the use of the site and likely shift patterns, and which would, it considers, lower the overall traditional peak hour development trip envelope quite

substantially.

5.11.27 In particular, Staffordshire County Council advises that, having regard to LinSig models provided by the applicant's transport consultant, very little impact is demonstrated with the development trips travelling in the opposite direction to the current busy movements in the corridor, helping to reduce their impacts at the relevant junctions. Whilst, the County Council advises, one model run did show a potential impact at the Offa Drive junction (in the pm peak), this included the highest trip estimates from the development (i.e. 2031 routeing which goes through Tamworth rather than using the M42), and the applicant's transport consultant has demonstrated that trips through the corridor are likely to be less for several reasons. The County Council also notes that its own LinSig models contain TEMPro growth to background traffic levels which, it advises, arguably contains growth which includes the proposed development (and, thus, there is likely to be an element of double counting).

5.11.28 Staffordshire County Council advises that the proposals would not result in an unacceptable impact on highway safety in that County, nor would the residual cumulative impacts on the road network be considered severe in accordance with Paragraph 109 of the NPPF and, as such, no objections are raised.

5.11.29 For its part, Warwickshire County Council advises that it had previously raised concerns with the applicant's transport consultants regarding HGVs inadvertently passing through Austrey village towards No Man's Heath should simultaneous issues occur at Junctions 10 and 11 of the M42, thus leading to drivers seeking alternative diversion routes. However, subject to the implementation of the updated Travel Plan (and which would provide funding through a proposed Local Transport Improvement Fund for potential mitigation measures in the event of increases in HGV movements in unsuitable locations), no objections are now raised. Further assessment of this proposed Local Transport Improvement Fund is set out in more detail below.

5.11.30 Insofar as Junction 11 of the M42 / A42 are concerned, a microsimulation analysis of the junction which takes account of lane-based behaviour has been undertaken and modelled to a Department for Transport standard. Whilst the development traffic would have a severe impact at the junction, the analysis demonstrates that, following the introduction of mitigation, carriageway widening and signalisation of the A444 arms and the off-slips, the throughput of traffic at the junction would increase in all cases. The signalised junction is proposed to be operated by a Microprocessor Optimised Vehicle Actuation (MOVA) system, which assesses which approaches are overloaded and seeks to determine a set of signal timings which would maximise the throughput of the junction under the varying traffic conditions. The proposed scheme would provide reductions in delay at the junction during the AM peak and would adequately mitigate the impact of development traffic at the PM peaks back to current operation, thereby mitigating the impact of development.

5.11.31 In addition to the mitigation measures set out above, the applicant's updated Travel Plan includes the proposed establishment of a Local Transport Improvement Fund; this sets out a proposal for the provision of a fund of £100,000 (including to cover any associated consultation costs) for use by the development's travel plan co-ordinator to enable (through discussion with the relevant Local Highway Authorities), the implementation of measures within the vicinity of the site intended to reduce any unforeseen impacts of the development on existing residential areas. In terms of process, the Travel Plan indicates that local concerns could be raised to a working group through the relevant Local Highway Authority's representative and, should what the Travel Plan describes as "reasonable evidence" be provided that demonstrates adverse impacts on local villages in excess of those predicted in the

transport assessment, funds would be made available to implement works to reduce / mitigate those impacts. Examples of potential measures given (in the event that such impacts were identified during the public consultation process) include the following:

- Increased HGV traffic through Austrey: Introduce an environmental 7.5T weight limit between the A444 and B5493 to ensure only HGVs accessing the village are permitted to use the route
- Increased traffic through Chilcote: Implement traffic management measures on approaches to the village to discourage use of the route
- Increased speeding through No Man's Heath: Install new vehicle activated signs and gateway features

5.11.32 In view of the fact that the measures are intended to address impacts which are not actually predicted to arise, it is not considered that the Local Planning Authority could reasonably insist on its implementation. For this reason (and also as the matter would involve making a financial contribution) a condition *specifically* requiring its implementation would not be appropriate (albeit the securing of the Travel Plan generally would be necessary). In terms of the sum identified, it is not clear how this has been calculated and, as far as the Local Planning Authority is aware, it is not based on any costed scheme (which, it is acknowledged, would be difficult to provide in the circumstances, given that the scheme is intended to address unforeseen impacts); again, this would indicate that a condition (or, indeed, a Section 106 obligation securing it) would not meet the relevant tests for conditions (or planning obligations) set out in the NPPF (nor, in the case of a Section 106 obligation, the requirements of the Community Infrastructure Levy (CIL) Regulations 2010).

5.11.33 In terms of the process suggested for identifying measures upon which the fund would be spent, this would appear reasonable, but would need the relevant Local Highway Authorities to be a party to that process. As set out above, Warwickshire County Council is supportive of this initiative; no direct comments have been made on it by Staffordshire County Council.

5.11.34 For its part, Leicestershire County Council takes the view that the proposed Local Transport Improvement Fund is not something necessary to make the site acceptable in planning terms based upon the highway impact in Leicestershire and, whilst the concept is understood and appreciated, considers that the fund would appear to be based upon perceived issues rather than those which are evidenced. Leicestershire County Council is also unclear as to how any highway issues that did come to light (e.g. speeding) could be specifically attributed to the development, and how the investment of funds could be spent precisely in such a manner so as to make the development of this site acceptable rather than just general highway investment (which, the County Council confirms, is never sought from developers). The County Council reiterates, however, that the Travel Plan makes specific recommendations with regards to the A444 in terms of targeting sustainable travel modes, and would form a necessary component of a sustainable development.

5.11.35 Given that the Fund is intended to address impacts not actually expected to arise as a result of the development, and given the issues in respect of the sum's calculation, the view is taken that the proposed fund is not a material planning consideration and, as such, no weight ought to be attributed to it.

5.11.36 For its part, and in particular with respect to the impacts on the strategic highway network, Highways England advises that it has been in dialogue with the applicant for some time (both prior to and during the application's submission / consideration). During this process,

it has raised a number of issues with the applicant having regard to a number of issues in respect of the submitted Transport Assessment, proposed improvements at Junction 11 of the A42 / M42, the proposed drainage strategy, utilities connections and other environmental aspects.

5.11.37 In terms of issues that Highways England advises that it had previously raised with respect to SuDS measures needing to be regularly inspected and maintained, it is now satisfied that these would be satisfactorily dealt with under the submitted drainage maintenance and management proposals, and notes that the proposed routes for foul drainage, electricity connection, and water mains connection would avoid the need to cross either the M42 or A42. Insofar as the proposed gas pipeline connection route is concerned, Highways England advises that this would affect highway land around the circulatory of Junction 11 of the A42 / M42 and, as the circulatory carriageway is maintained by Highways England, a licence would be required.

5.11.38 In terms of construction traffic, Highways England notes that the proposed HGV routing to the site during the construction period will be via the M42 and A42 exiting at Junction 11 and on to the A444 / B5493. However, subject to the approval of project-specific traffic management plans produced detailing construction traffic movements to and from the site, no objections are raised.

5.11.39 *Site Access*

5.11.40 As set out above, there are two vehicular accesses proposed to serve the site. In respect of these, the County Highway Authority advises as follows:

5.11.41 Proposed Roundabout Access:

This access would form the primary access to the development and is, the County Highway Authority advises, reflected in the traffic modelling assessed above. The County Highway Authority confirms that the access has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) TD16/07, which, it advises, is the appropriate standard given the form of the access (i.e. a roundabout), the stipulated speed on the B5493, and its proximity to the strategic highway network; the design is supported by Road Safety Audit Stage 1.

5.11.42 The County Highway Authority advises that it had undertaken a review of the proposed roundabout and had raised concerns with regards to the forward visibility for drivers approaching the roundabout from Junction 11 of the M42 / A42; in response, the County Highway Authority confirms, the applicant's transport consultant provided details of how the forward visibility was calculated to account for the bend in the road, and the County Highway Authority confirms that it is now satisfied that safe and suitable access can be achieved from this access in accordance with the appropriate highway standard. The County Highway Authority also confirms that it is satisfied that the roundabout would have capacity to accommodate both development and non-development traffic.

5.11.43 Priority T-Junction:

The proposed right-turn ghost island priority junction towards the south western part of the site would serve as a second point of access (for use by buses and cars). A speed survey along the B5493 has been undertaken; recorded 85th percentile speeds were below the 60mph speed limit, but a 60mph design speed has nevertheless been adopted. The County Highway Authority has reviewed the access proposals and confirms that the proposal is designed in accordance with the appropriate design standard, DMRB, and that safe and suitable access can be achieved.

5.11.44 *Public Rights of Way:*

5.11.45 The site is currently affected by a number of public footpaths, as follows:

P94 - running north west-south east through the eastern part of the site, between Chilcote and the B5493 close to Little Wigston

P95 - running north west-south east adjacent to the south western part of the site, between the No Man's Heath to Chilcote road and the B5493 close to the proposed secondary access

P96 - running north east-south west through the northern part of the site between the A444 and Footpath P95

Q1 - running north east-south west adjacent to the south western part of the site between Footpath P96 and the B5493 at No Man's Heath (connecting to the B5493 via Warwickshire County Council Footpath 235/Q19/2)

5.11.46 The proposed development includes a range of pedestrian routes. In addition to the principal circulatory route around the periphery of the full application part of the site (which would include pedestrian and cycle facilities), the scheme also proposes a number of recreational routes through the proposed landscaped areas.

5.11.47 In terms of the existing statutory rights of way, an application for a public footpath diversion order has been approved by the District Council and, in brief, includes the following principal changes:

- Re-routing of that part of Footpath P94 currently crossing the central area of the site so it would run adjacent to the site boundaries to the north eastern and eastern parts of the site, including two new connections to the A444, and connecting to the existing footpath's south eastern access from the B5493
- Re-routing of Footpath P96 closer to the north western site boundary, and connecting to P95 in its current location

5.11.48 In terms of other, non-statutory, routes, the scheme also proposes a new permissive route within the site alongside the B5493 frontage, and connecting to P95 close to its current access from the B5493.

5.11.49 Insofar as the existing routes' amenity value is concerned, the public rights of way currently pass through undeveloped areas of agricultural land, and the experience of users in terms of the rural amenity afforded by those routes would clearly be diminished by virtue of the development proposals themselves.

5.11.50 From a usefulness point of view, it is noted that the changes to P94 would, in particular, be less direct than the existing route. However, it is noted that, at present, the southern end of that route terminates at the B5493, limiting its usefulness as part of a longer walking route. Under the proposed scheme, users would be able to continue walking along the proposed permissive route so as to connect with P96. Whilst this route would be experienced in the context of the proposed employment development, it would be within a substantial landscaped area (and including new tree planting and ponds) and would still, it is considered, be likely to provide for a pleasant route. Overall, therefore (and notwithstanding impacts on the rural amenity aspect), subject to the inclusion of appropriate measures to secure the proposed permissive routes use by members of the public (e.g. by way of a Section 106 obligation as suggested by the applicant), it is considered that the proposed changes to public (and permissive) rights of way would, in officers' view, be of at least equivalent (if not enhanced) amenity value overall when compared to existing provision.

5.11.51 The application has been considered by Leicestershire County Council's Senior Access and Development Officer who raises no objections subject to conditions (albeit some of the conditions requested to be attached by the County Council would, in this instance, seem more appropriately related to the separate diversion / extinguishment process).

5.11.52 Conclusions in respect of Means of Access, Highways and Transportation

5.11.53 North West Leicestershire Local Plan Policy Ec2(2) sets out a number of criteria against which proposals for employment development will be considered, including in respect of accessibility by a choice of transport modes, and good access to (and an acceptable impact upon the capacity of) the strategic highway network. Also relevant are Local Plan Policies IF1 and IF4 which seek to ensure the provision of suitable infrastructure (including transportation infrastructure) necessary to accommodate new development

5.11.54 Whilst it is considered that the site is not currently well served by public transport, the proposed implementation of the applicant's SATS would, it is accepted, be likely to ensure that future employees (from the principal settlements from which employees would be sourced) would have the opportunity to access the site by means other than the private car. By virtue of its location close to Junction 11 of the M42 / A42, the site would also be well related to the strategic highway network, and it has been demonstrated to the satisfaction of both Leicestershire County Council and Highways England that the impacts on the operation of the network (and including Junction 11 itself) could be appropriately mitigated. Other impacts in terms of the local highway network are also considered acceptable (and including with the impacts of mitigation where required).

5.11.55 It is therefore considered that the proposals meet the requirements of Policies IF1 and IF4 and the relevant criteria within Policy Ec2.

5.12 Noise and Vibration and Neighbours' Amenities

5.12.1 In terms of amenity issues (and the scheme's performance in respect of Policy D2 of the adopted North West Leicestershire Local Plan), the impacts of the proposed development need to be considered both in terms of the effects on nearby residents arising from the undertaking of the construction of the proposed development (including, in particular, construction noise and vibration), as well on the future living conditions of those residents following construction, having regard to the noise and other amenity impacts of the proposed development. These are considered in turn below.

5.12.2 Construction Noise and Vibration

5.12.3 The submitted Environmental Statement sets out the anticipated construction operations (and their associated equipment), and considers these in "average" and "worst-case" scenarios (i.e. when the operations would be approximately within the centre of the site, and when they would be at the periphery, closest to any noise sensitive premises). Piling operations are not anticipated to be employed in this case.

5.12.4 Thirteen receptors for construction noise have been considered, with the closest being Hilltop Cottage, Stretton en le Field and Little Wigston (located at 95m and 105m respectively from the site boundary).

5.12.5 Using the approach set out in BS5228:2014 (Noise and Vibration Control on Construction and Open Sites - Part 1: Noise: 2009 + A1 2014), the daytime (0700-1900 Monday

to Friday and 0700-1300 on Saturdays) threshold values for significant effect at dwellings are as follows: A: 65dB; B: 70dB; C: 75dB. During various phases of the proposed construction work, the proposed noise levels are predicted to exceed the Category A level (i.e. 65dB) at the two nearest receptors (with levels of 53-71dB at Hilltop Cottage during site preparation works and 53-70dB during landscaping works, and with levels of 53-71dB, 56-67dB and 55-70dB at Little Wigston during site preparation works, building erection works and landscaping works respectively). Given what it describes as the high sensitivity of these receptors, and the extent by which the 65dB criterion would be likely to be exceeded, the Environmental Statement identifies these noise effects as minor or moderate adverse.

5.12.6 In terms of construction vibration, the Environmental Statement makes reference to the relevant British Standard formulae used to estimate vibration levels for specific types of construction activity, such as the use of a vibratory roller; at a distance of approximately 95m (i.e. the closest receptor from the site), the Environmental Statement indicates that a vibratory roller will generate peak particle velocities of less than 1mm/s, considered to result an overall minor adverse effect that would not be significant.

5.12.7 Insofar as mitigation during the construction phase is concerned, the Environmental Statement sets out a range of measures, including phasing the development to minimise the period where noisy works are undertaken close to the site boundaries, adherence to agreed working hours, measures to limit disturbance from reversing alarms, use of "silenced" plant and equipment wherever possible, and use of temporary screening or enclosures for static noisy plant to reduce noise emissions. When employing such mitigation, the Environmental Statement indicates that the residual construction noise effects would be moderate adverse to Hilltop Cottage and Little Wigston, but not long-term; any residual vibration effects would be minor adverse, but short term and not significant.

5.12.8 Post Construction / Operational Impacts

5.12.9 Insofar as the noise impacts arising from operation of the proposed development itself are concerned, these are considered within the Environmental Statement with particular reference to both potential B2 and B8 uses. The Environmental Statement identifies that noise associated with B8 uses is generally, to a large degree, predictable, and where the likely number of HGV movements is known; noise from B2 uses is, the Environmental Statement suggests, more difficult to predict in that it will vary depending on the precise nature of the B2 use in question although, in either case, impacts will include the noise from additional road traffic in the surrounding area, and from the on-site operations. Factors such as topography, building orientation and their design and materials of construction will also affect the overall noise impact.

5.12.10 When compared to existing background noise levels, the Environmental Statement indicates that the proposed operational phase would result in a rating level of greater magnitude at 10 of the 13 receptors at some point in the 24 hour period and with most of those increased noise levels vis-à-vis background noise associated with the 2300 to 0500 period. In particular this "early night" time noise would be predicted to be at a magnitude of between 5dB and 9dB above the background sound level at No Man's Heath, Dingle Farm, Honeyhill Farm, The Shooting Box, Woodland View and Park Farm. The Environmental Statement judges this to be a medium impact. Honeyhill Farm (565m to the west of the application site) would also be expected to experience noise at a level above background noise levels (+1dB) during the "daytime" (0700 to 2300) period; all other receptors would experience no increase above background levels during that period, nor would any during the "late night" time (0500 to 0700). Insofar as fixed plant is concerned, the Environmental Statement indicates that, subject to

appropriate design, this need not result in any impact.

5.12.11 In terms of operational noise mitigation, the Environmental Statement suggests measures such as use of appropriate building materials, minimising doors and openings, fitting of self-closing doors, switching off of vehicle engines and use of broadband or white noise reversing alarms. When mitigation is taken into account, the Environmental Statement indicates that the residual operational noise effects would be no worse than minor.

5.12.12 The impacts of traffic noise are also assessed within the Environmental Statement, comparing these against anticipated traffic levels (and its associated noise) in 2021 and 2031 to a number of local roads in those years without the proposed development (and including impact from other traffic growth between the present time and 2021). These are summarised below (expressed in terms of $L_{A10,18hrs}$ dB, and with figures in brackets showing comparison to the equivalent "without development" scenario):

| | <i>2021 without development</i> | | <i>2021 with development</i> | |
|-----------------|---------------------------------|--------------|------------------------------|--------------|
| | <i>Day</i> | <i>Night</i> | <i>Day</i> | <i>Night</i> |
| A42 Northbound | 84.6 | 80.4 | 84.7 (+0.1) | 80.6 (+0.2) |
| Tamworth Road | 69.9 | 63.5 | 70.0 (+0.1) | 64.2 (+0.7) |
| Atherstone Road | 69.6 | 63.8 | 70.5 (+0.9) | 66.1 (+2.3) |
| M42 Southbound | 84.6 | 80.4 | 84.8 (+0.2) | 80.7 (+0.3) |
| B5493 | 70.1 | 61.8 | 70.4 (+0.3) | 63.1 (+1.3) |
| Acresford Road | 71.2 | 66.9 | 71.5 (+0.3) | 67.4 (+0.5) |

| | <i>2031 without development</i> | | <i>2031 with development</i> | |
|-----------------|---------------------------------|--------------|------------------------------|--------------|
| | <i>Day</i> | <i>Night</i> | <i>Day</i> | <i>Night</i> |
| A42 Northbound | 85.0 | 80.8 | 85.1 (+0.1) | 81.0 (+0.2) |
| Tamworth Road | 70.3 | 64.1 | 70.4 (+0.1) | 64.7 (+0.6) |
| Atherstone Road | 70.0 | 64.4 | 70.8 (+0.8) | 66.4 (+2.0) |
| M42 Southbound | 85.0 | 80.8 | 85.2 (+0.2) | 81.1 (+0.3) |
| B5493 | 70.5 | 62.4 | 70.7 (+0.2) | 63.6 (+1.2) |
| Acresford Road | 71.6 | 67.4 | 71.9 (+0.3) | 67.7 (+0.3) |

5.12.13 As can be seen from the above, the traffic noise impact during the day and the night would increase to all assessed routes with the development when compared to the no development scenario in both the 2021 and 2031 years, but the extent of the increase would vary from route to route, and with Tamworth Road experiencing the greatest increase (including an increase of 2.3dB and 2.0dB in the night time period in the 2021 and 2031 years respectively). However, the Environmental Statement identifies this as a minor adverse effect, and not significant, and does not consider mitigation necessary in respect of this issue.

5.12.14 Overall in terms of noise and vibration, therefore, whilst there would clearly be significant amounts of activity on the site both during construction and once the site was operational, the impacts in this regard would not appear likely to be unacceptable, and particularly when having regard to the proposed implementation for the various mitigation measures set out in the Environmental Statement. No objections on noise or vibration grounds have been raised in respect of the proposed development by the District Council's Environmental Protection team.

5.12.15 *Other Residential Amenity Impacts*

5.12.16 In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, the application site is in close proximity to a limited number existing residential properties, albeit, given the proposed units' scale and surrounding topography and landscaping, they are likely to be visible to a varying extent from residential property in a number of directions from the site.

5.12.17 These existing dwellings would, however, be some distance from the proposed buildings and, whilst the proposed development would clearly be of some scale in terms of height and width when viewed from surrounding land, it is considered that significant impacts on existing dwellings in terms of loss of light / overshadowing or overdominance would seem unlikely (and at any time of year) given the distances involved; loss of view from a dwelling is not a material planning consideration. [Potential amenity impacts associated with external lighting are considered under Section 5.5 (Landscape and Visual Impact) above.]

5.12.18 On the basis of the above, therefore, it is considered that the requirements of Local Plan Policy D2 would be met (insofar as it is applicable in respect of noise, vibration and other residential amenity issues).

5.13 Air Quality

5.13.1 Policy D2 of the adopted North West Leicestershire Local Plan also seeks to ensure that adverse effects of development on residents' amenities is minimised (and including in respect of pollution); Policy En6 provides that development close to an Air Quality Management Area (AQMA) will be supported where an application is accompanied by a detailed assessment of the issues, and appropriate mitigation is identified.

5.13.2 The site is not located within an AQMA, and the Environmental Statement indicates that the closest ones are at Burton upon Trent (two no., with the closest being 11.9km from the site) and on the A38 near Alrewas (13.5km from the site); the closest AQMA within North West Leicestershire is at Coalville (on the A511 at the Broom Leys Crossroads, 13.7km from the site). In terms of other air quality issues, the Environmental Statement considers the impacts of construction works (principally associated with construction vehicles and dust / particulates) along with any operational impacts (vehicular impacts). Sixteen receptors (a range of locations in the surrounding area, including addresses in Stretton en le Field, No Man's Heath, Appleby Parva and Measham) have been used for the purposes of modelling potential impacts.

5.13.3 *Construction Impacts*

5.13.4 Insofar as the construction phase is concerned, the Environmental Statement (and its supporting Air Quality Assessment) indicates that, during the peak construction period, there would be approximately 138 heavy duty vehicles (HDVs) accessing the site in any given day. Based on Environmental Protection UK and Institute of Air Quality Management air quality criteria, significant impacts on air quality are unlikely to occur where a development results in fewer than 100 HDV movements per day in locations not within or adjacent to an AQMA. Whilst the number of HDV exceeds the 100 threshold, the Environmental Statement and Air Quality Assessment indicate that it is unlikely these would travel to the site along the same roads and, therefore, the change on any one road link would be less than 100 (and, as such, construction traffic impacts on local air quality would be negligible).

5.13.5 In terms of dust impacts, the Environmental Statement assesses the impacts of a range

of construction activities (namely demolition, earthworks, construction (of the buildings) and "trackout" (the transport of dust and dirt from the construction site onto the public road network where it may be deposited and then re-suspended by vehicles using the network)); the magnitude of dust emissions are identified as "small" for demolition, and "large" for the other three. The Environmental Statement identifies that (given the relatively small number of dwellings in close proximity to the site), the impacts from dust and particulates (in particular PM₁₀ - particulate matter with an aerodynamic diameter of less than 10 micrometres (µm)) would be low. Nevertheless, a range of mitigation measures are identified (principally embodied within the CEMP) in respect of the construction stage, resulting in a residual effect considered unlikely to be significant.

5.13.6 Operational Impacts

5.13.7 In terms of the operational impacts, the Environmental Statement considers in particular the effects of nitrogen dioxide and particles associated with the development, including impacts arising from the construction works and the additional traffic associated with the development once it is in use.

5.13.8 In terms of nitrogen dioxide, the Environmental Statement states that the traffic generated by the operation of the development would be predicted to increase annual mean nitrogen dioxide concentrations by no more than 0.6µg/m³, equating to 2% of the 40µg/m³ Air Quality Assessment Level (AQAL) set out in the Government's Air Quality Strategy for England, Scotland, Wales and Northern Ireland. On this basis, the Environmental Statement identifies that the impact of the development would be negligible in both 2021 and 2031.

5.13.9 Similarly, annual concentrations of PM₁₀ and PM_{2.5} (i.e. particulate matter with an aerodynamic diameter of less than 2.5µm) would be predicted to be increased by no more than 0.1µg/m³, equating to less than 1% of the 40µg/m³ Air Quality Assessment Level (AQAL); again, a negligible impact.

5.13.10 Mitigation in terms of the operational phase is limited to those measures designed to minimise employees' reliance on single occupancy vehicles through the submitted Framework Travel Plan.

5.13.11 On the basis of the above, however, it is considered that the proposals would be acceptable in terms of their impacts on air quality, and the relevant Local Plan policies relating to this issue are considered to be satisfied; no objections are raised by the District Council's Environmental Protection team in this regard.

5.14 Ground Conditions

5.14.1 Policy En6 of the adopted North West Leicestershire Local Plan sets out the approach for determining proposals for development on land that is (or is suspected of being) subject to land instability issues or contamination.

5.14.2 Prior to making the planning application, the applicant sought a formal EIA Scoping Opinion from the Local Planning Authority. The documents submitted in support of this scoping request indicated that, having regard to the status of the site, issues of contamination from previous uses would not result in significant environmental affects and, as such, should be scoped out of the Environmental Statement; this position was accepted in the formal Scoping Opinion, and the matter is not included in the Environmental Statement. Nevertheless, it is noted that, having regard to the contents of a geo-environmental and geotechnical desk study

and a ground investigation report submitted as part of that EIA scoping process, no matters precluding development of the site were identified, subject to appropriate measures being implemented (and including in respect of a number of potential substances associated with the former agricultural use and buildings such as pesticides and asbestos). Again, no objections are raised by the District Council's Environmental Protection team in this regard.

5.14.3 The proposals are therefore considered acceptable in terms of these issues, and no conflict would be considered to arise in respect of the relevant element of Local Plan Policy En6.

5.15 Climate Change

5.15.1 In addition to the climate change policies (including Local Plan Policies Cc2 and Cc3) set out under Section 5.10 in respect of Flood Risk, Drainage, Water Quality and River Mease above, Paragraph 150 of the NPPF provides that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

5.15.2 The Environmental Statement includes an assessment of the proposed development's implications in respect of climate change, both during the construction phase, and once operational. The application is also accompanied by an Energy and Sustainability Strategy which identifies the following measures proposed to be incorporated within the development:

- Achievement of BREEAM "Very Good" (and "Excellent" in the Water and Energy categories);
- Creation of pedestrian and cyclist friendly routes and a range of measures to promote and support the use of sustainable transport (as set out in more detail under Means of Access, Highways and Transportation (Section 5.11) above);
- Use of efficiency measures and renewable energy technologies expected to exceed the requirements of current building regulations by up to 20%;
- Use of fenestration and building orientation to maximize use of daylighting;
- Use of Sustainable Urban Drainage Systems (SuDS) and water efficiency measures to reduce water consumption;
- Measures to reduce the production of waste, and increase to increase re-use, recycling and recovery rates; and
- New habitat creation and biodiversity improvements through an increase in native planting and new pond/wetland features (as set out in more detail under Section 5.7 (Ecology) above).

5.15.3 It is accepted that these measures would (where applicable) assist the development in terms of its performance under those sections of Local Plan Policy D1 relating to subsection (2) (positively addressing the Council's Place Making principles (and, in particular in terms of the greener footprint criterion)) and subsection (5) (new development having regard to sustainable design and construction methods).

5.15.4 Insofar as the Environmental Statement's assessment of climate change is concerned, this element of the submissions has been assessed on the Local Planning Authority's behalf by a specialist consultant. This review has been undertaken based on Institute of Environmental Management and Assessment (IEMA) guidance.

5.15.5 The submitted Environmental Statement considers climate change issues in respect of

(i) the effects of the development on climate change (climate change mitigation), and, conversely, (ii) the effects of climate change on the development (climate change adaptation).

5.15.6 In terms of climate change mitigation, the Environmental Statement identifies (having regard to a number of sources including mobile combustion (use of fuel in mobile plant and equipment and in the transportation of waste), stationary combustion (use of purchased electricity) and energy used in the production of construction materials etc.), that the construction phase would be expected to result in the emission of 147,952tCO₂e (tonnes of carbon dioxide equivalent) (which, for the purposes of comparison, would be equivalent to 14.68% of the total carbon dioxide emissions in North West Leicestershire in 2015).

5.15.7 Similarly, in terms of the operational phase, the energy use and emissions of the development are calculated having regard to, for example, direct quantities of electricity used, and associated mobile combustion. Insofar as electricity use is concerned, the Environmental Statement suggests that this would be in the order of 23.4m kilowatt hours per annum. In year 1 of operation, total emissions are predicted to be 6,218tCO₂e (equivalent to 0.62% of the total carbon dioxide emissions in North West Leicestershire in 2015) and 119,466tCO₂e over a 30 year period. The Environmental Statement identifies the construction phase emissions as having a “moderate adverse” effect on climate change; for the operational phase, the effects are identified as “minor adverse”.

5.15.8 In terms of mitigation (for the operational phase), this is essentially identified as the mitigation afforded by the design of the scheme (and including those features outlined above, and the identification of process emissions associated with the materials proposed to be used in the development).

5.15.9 In terms of climate change adaptation (and having regard to current predictions as to how the UK's climate is anticipated to change under different future emission scenarios), the Environmental Statement considers the proposed development's anticipated resilience in the event of increases in mean temperatures (in both summer and winter), increases in summer daily maximum temperatures, decreases in summer rainfall, and increases in winter rainfall. The potential risks from such scenarios include impacts on species and habitats, overheating buildings, increased energy demands from additional building cooling requirements, impacts on foundations from ground movement and increased risk of flooding. Mitigation suggested includes the development's design taking such eventualities into account.

5.15.10 For its part, the Local Planning Authority's consultant considers that the submitted Environmental Statement sets out in good detail the likely impact of climate change on the development and the contribution of the development to climate change. Whilst the Local Planning Authority's consultant had initially identified that a number of matters of additional clarification needed to be addressed (including in respect of identifying how the mitigation identified would be secured and monitored), following the submission of additional information (and including that set out in the Environmental Statement Addendum), these have been dealt with to the Local Planning Authority's consultant's satisfaction, and the consultant takes the view that the submissions provide a robust assessment of the impact of the project on and from climate change. It is therefore considered that the proposed development would perform well in terms of the Local Plan's stated intention of seeking to help tackle climate change, as well as Paragraph 150 of the NPPF.

Other Matters

5.16 Developer Contributions

5.16.1 Paragraphs 54 and 56 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

5.16.2 The relevant developer contributions set out under Section 5.11 (Means of Access, Highways and Transportation) above (and including those relating to Travel Plans, public transport initiatives for staff and provision of recreational access routes) are considered to meet the relevant policy and legislative tests. In addition to those requirements, it is also considered that planning obligations would be appropriate in respect of the following:

5.16.3 Proposed Commercial and Amenity Uses

5.16.4 As set out earlier in this report, a gateway building is proposed (as part of the outline element of the scheme) adjacent to the proposed new roundabout, and potentially to be used as a management suite for the development, a crèche, an office, a gym or a café. Whilst (as discussed above) this could result in the provision of a main town centre type use in this out of centre location but, conversely, may (depending on the exact nature of the eventual use) assist in terms of the sustainability credentials of the scheme in that it could provide for a useful on-site facility for employees, thus reducing the need to travel further afield. In this regard, it is considered that it would be appropriate to enter into Section 106 obligations so as to (i) ensure that the opportunities for such a facility coming forward are maximised; and (ii) controlling in greater detail the nature of the use so as to ensure its design and "offer" is orientated principally towards providing a useful on-site facility for employees rather than one which would be likely to be of more use to external users (and, which could, potentially, have adverse impacts on local town or district centres).

5.16.5 Notwithstanding this officer view, however, the agent advises that the applicant's preference is that this aspect is dealt with at the reserved matters stage once the developer has greater certainty in terms of the particular needs of the prospective operators (given that they may wish to provide some facilities in-house rather than on a site-wide basis), and advises that the applicant cannot commit to any specific buildings or amenity facilities until it has a much better understanding of, not only what the prospective operators want or need, but also whether there is a sound business case to deliver it. Whilst this position is understood, the approach suggested would provide no certainty as to when (or if) the potential facilities proposed would be delivered. In the absence of any firm commitment, it is considered that the weight to be attached to this benefit (in terms of improving the sustainability credentials of the scheme) would need to be reduced accordingly.

5.16.6 The illustrative material also indicates the provision of an amenity area / garden with a MUGA for use by employees and local residents. Again, provision of such a facility for employees would reduce the need for them to travel (and potentially by private car), and its provision would similarly be considered to assist in terms of helping to secure the scheme's sustainability credentials. In terms of its potential to be used by local residents, this would, it is

considered, represent a positive community benefit which could be afforded weight as a material planning consideration. Policies IF2 and IF3 refer to the need for new development to provide for community facilities and sport and recreation facilities. Whereas the explanatory paragraphs to Policy IF2 suggest this is more relevant to buildings, and whilst Policy IF3 is aimed principally at residential development, it is nevertheless considered that the proposed provision of such a facility with dual private / community use would be a positive benefit in terms of the general intentions of these policies, together with similar aims of the NPPF (and including in Paragraph 92 which provides that planning decisions should plan positively for community facilities to enhance the sustainability of communities) (albeit it is acknowledged that community users would themselves need to travel to the site, which would be less preferable than a similar facility within an existing settlement).

5.16.7 As per the proposed site entrance building uses, it is considered that, in order to be able to meaningful weight to this proposal as a material consideration in the overall planning balance and in the assessment of the scheme's contribution to sustainable development, there would need to be an enforceable mechanism so as to ensure the facility's provision.

5.16.8 As a means of addressing concerns in respect of the potential non-delivery of the site entrance building / uses and MUGA, the applicant has indicated that it would consider entering into a Section 106 obligation which required the submission of a scheme to the District Council for approval (within 6 months of commencement of development), and which would set out the steps that would be undertaken to assess and promote what it describes as "potential complementary uses within the development" (and which, the agent clarifies, the primary purpose of which would be to meet the needs of employees (albeit not precluding access to facilities from those within surrounding communities)). For instance, the agent advises, this could include working with the potential occupiers to understand employee numbers, shift patterns (now and forecast) and local businesses (who may provide services to the development occupiers) to assess the business case for bringing forward amenity uses not accommodated within their buildings, with the objective of supplementing employee wellbeing at the site.

5.16.9 It is the officer view that, whilst this proposal would not appear to provide any guarantees as to the delivery of these facilities, it would provide an element of comfort that efforts would be made to at least explore the opportunities in more detail. As such, it is recommended that, whilst some weight could reasonably be attributed to the various sustainability and community benefits that provision of these facilities would provide, the weight to be attached ought to be limited so as to reflect the possibility that they may not ultimately come forward.

5.16.10 *Local Employment, Training and Careers*

5.16.11 In addition (and as set out in more detail under Section 5.4 (Socio Economics) above), the applicant proposes making commitments to using local suppliers, and in terms of the provision of local employment, training and careers opportunities. Again, in order that weight may be reasonably attached to these commitments, it is proposed to secure them by way of Section 106 obligations.

5.16.12 The above measures are all considered to meet the relevant policy and legislative tests for obligations as set out in the NPPF and the CIL Regulations.

5.17 Other Financial Issues

5.17.1 Local Finance Considerations

5.17.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that, in dealing with an application for planning permission, a Local Planning Authority shall have regard to any local finance considerations, so far as material to the application. Section 70(4) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown. The MHCLG's Planning Practice Guidance indicates that whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms, and states that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. It also provides that, in deciding an application for planning permission or appeal where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

5.17.3 The submitted Planning Statement indicates that the proposed development would generate £7.3m in new business rates once fully occupied (and the additional information submitted in respect of JLR's operations indicates a figure of in excess of £7.5m). Business rates are collected by the District Council and, under current legislative requirements, 50% of these rates collected is passed to central government. Central government then uses these payments, along with others, to provide grants / financial assistance to local authorities, but a Minister of the Crown does not return these payments to local authorities in the form of business rates. As such, the authority is not receiving financial assistance by a Minister of the Crown and, whilst attention is drawn by the applicant to the business rates generated (and notwithstanding the Planning Practice Guidance advice on the weight that could be attracted to such a consideration in the event it was material), it is considered that the business rates generated would not constitute a local finance consideration under Section 70(4). As such, the business rates generated would not be a material consideration to which regard would need to be had under Section 70(2) in the determination of this planning application.

5.17.4 Proposed "Mercia Fund"

5.17.5 The applicant has advised the Local Planning Authority that, whilst not forming part of the planning application, it intends to establish a community fund in association with the proposed development (and to be run on similar lines to those used in the operation of the Peddimore Community Fund that the applicant has established in association with its development at Peddimore, north east Birmingham). The applicant proposes that the Mercia Fund would be administered by the Heart of England Community Foundation and the Leicestershire and Rutland Community Foundation on the applicant's behalf, and it intends to commit a total of £350,000 towards it. The intention is that grant allocations would be made by a panel meeting on a regular basis, and with grant eligibility partly being based on geographical proximity to the development site.

5.17.6 For the purposes of determining the planning application, it is considered that this fund would not be a material planning consideration, and no weight should be attributed to it.

5.18 Overall Planning Balance, Contribution to Sustainable Development and Conclusions

5.18.1 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan. The site is located outside Limits to Development as defined in the adopted Local Plan and is not allocated for new employment development; Policies S3 and Ec2 set out the approach to considering applications for employment development in these circumstances.

5.18.2 As set out above, it is considered that the proposals can be shown to be in accordance with the requirement for such development to have an immediate need or demand (and including as evidenced by the confirmation of JLR and DSV as future occupiers) and, as such, the in-principle elements of these policies can be shown to be satisfied. Whilst there are a number of other criteria against which such proposals need to be assessed in the event that an immediate need or demand can be demonstrated (and including, for example, the need to safeguard and enhance landscape appearance and character, and for the development to be accessible by a range of sustainable transport), and whilst the proposals are not considered to comply fully with all relevant criteria, the view is taken that, overall, the proposals can be considered to comply with the development plan as a whole.

5.18.3 In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the National Planning Policy Framework). As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

5.18.4 Economic Objective:

The application documents suggest that this proposal would create around 724 FTE direct jobs per annum during the construction phase, and 4,781 FTE posts (gross) once operational; further employment would also be generated in terms of the knock-on effects on local and regional businesses as set out in more detail under Section 5.4 (Socio Economics) above. These posts would be in respect of a range of job types / quality, and the applicant's proposed transportation measures would assist in terms of ensuring that the employment available on the site would be accessible to residents from areas identified as amongst the more deprived.

5.18.5 Social Objective:

The economic benefits associated with the proposed development would, by virtue of the jobs created, also be expected to provide some social benefits. The scheme's inclusion of recreational routes and a MUGA would, if secured, provide for useful community facilities, but the weight attributed to this issue would be dependent on the ability to ensure their delivery. The NPPF refers to the need to foster a well-designed and safe built environment; the scheme is considered to be acceptable in terms of its design, and would provide for a safe form of development.

5.18.6 Environmental Objective:

The site is identified as countryside in the adopted Local Plan. However, as referred to above, the applicant has demonstrated that there would be an immediate need or demand for the development, and the scheme's siting outside of Limits to Development would not therefore necessarily conflict with Policies S3 and Ec2, or the policies of the Local Plan as a whole.

5.18.7 The application is accompanied by an Environmental Statement which assesses the impacts of the development and, whilst the development would clearly be a significant scheme within the countryside (and inevitably would have considerable visual impacts in its immediate vicinity), the view is taken that, overall, the environmental impacts would be acceptable. Whilst there would be adverse landscape and visual effects (and this would count against the scheme in terms of assessing its contribution to protecting and enhancing the natural environment), the proposed development (and mitigation) would, it is considered, ensure that the impacts in terms of other elements of the environmental objective (including its contribution towards protecting and enhancing the built and historic environment) would be appropriate.

5.18.8 The application is accompanied by an Appropriate Assessment document under the Habitats Regulations which the council adopts. With appropriate mitigation, there will be no adverse effect on protected habitats. So far as protected species are concerned, the Council is satisfied that the appropriate licenses are likely to be granted.

5.18.9 The scheme would also, it is considered, perform relatively well in terms of other aspects of the environmental objective, and including in respect of its associated biodiversity enhancements and mitigating and adapting to climate change; in terms of the need to make effective use of land, it is considered that the scheme would represent an effective use in terms of it helping meet a need for sites for this type of use, but it is also noted that the site is greenfield, whereas use of previously-developed land is the preferred approach as set out in NPPF Paragraph 117. Similarly, it is noted that the proposed development would result in an irreversible loss of a significant area of BMV land.

5.18.10 The accessibility of the site by public transport is currently poor, and the site is not located in close proximity to any significantly sized settlement. As such, a significant proportion of employees and other users of the site would be expected to access it by the private car. It is acknowledged that the applicant intends to introduce measures designed to provide transport choice for staff, and it is considered that this will be an important contributor to modal shift. Whilst it is considered that the siting of the facility would inevitably still result in considerable reliance on the car (and this issue needs to be taken into account of in the overall planning balance), this issue also needs to be considered in the context of the need to deliver economic growth and when considering the limited number of alternative sites available which would perform better in terms of accessibility (and which would also be suitable for a development of this scale and type).

5.18.11 Having regard to the three dimensions of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues set out within this report, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in helping to meet a demonstrable need or demand for development such as this, would ensure that the scheme would sit fairly well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would, in particular, have some adverse landscape and visual impacts, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, whilst not located immediately adjacent to an existing built up area, would provide for a reasonable travel choice for employees and, as such, (and notwithstanding its location) has the potential to perform reasonably well in terms of need to travel and the movement towards a low carbon economy, subject to the provision of the measures proposed.

5.18.12 It is therefore concluded that the proposed development would comply with the provisions of the development plan as a whole, and would benefit from the presumption in

favour of sustainable development. Overall, there are no material considerations which indicate the determination of this application other than in accordance with the development plan. Approval is therefore recommended.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following conditions

- 1 Time limits (for full and outline elements)
- 2 Details of reserved matters
- 3 Approved plans
- 4 Environmental Statement mitigation (where not covered elsewhere)
- 5 Materials
- 6 Hardsurfacing
- 7 Landscaping
- 8 External lighting
- 9 Foul drainage (including pumping out)
- 10 Surface water (including treatment during construction, removal of suspended solids from surface water run-off, implementation of SuDS and details of headwalls and fencing)
- 11 Compliance with Construction Environmental Management Plan
- 12 Outside storage
- 13 Implementation of Sustainable Access and Transport Strategy (SATS) (including provision of bus services and bus service infrastructure)
- 14 Provision of site accesses
- 15 Parking and servicing areas
- 16 Off-site highways works
- 17 Travel Plans
- 18 Rights of Way
- 19 Boundary treatment
- 20 Archaeology

- 21 Programme of construction works prior to demolition of existing farm buildings or other measures to ensure development proceeds in the event that the farm buildings are demolished
- 22 Ecology
- 23 Tree / hedgerow protection measures
- 24 Compliance with identified BREEAM rating (as per Energy and Sustainability Strategy)
- 25 Limitation on use of office elements as ancillary to the principal B8 use of the relevant unit

Report Item A1

APPENDIX

**Employment Land Requirement Considerations in respect of
Application for Employment Land Adjacent to Junction 11 of A42
(18/01443/FULM)**

EMPLOYMENT LAND REQUIREMENT CONSIDERATIONS IN RESPECT OF APPLICATION FOR EMPLOYMENT LAND ADJACENT TO JUNCTION 11 OF A42 (18/01443/FULM)

Policy Ec2 of the adopted Local Plan states that:

Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:

- (a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and*
- (b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and*
- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.*

This policy is an important consideration in the determination of the application. However, before considering the various aspects of the policy, it is appropriate to have regard to the context within which the policy operates.

Section 3 of the adopted Local Plan sets out a profile of the district. Amongst other matters this notes the following

“Employment and the economy

- In terms of competitiveness and growth opportunities, North West Leicestershire enjoys a highly accessible position in the middle of the country, with good road links and a growing international airport. Partly because of its accessibility, the area has proved attractive to inward investors, and has recently seen high levels of employment growth.*
- There are significantly more people employed in the transport and logistics sector (19.8%), wholesale/retail (17.3%), construction (5.9%), professional and other private services (17.3%) than nationally.*
- Economic forecasts based on the Experian 2013 data for the district indicate that from 2012 to 2031 the sectors predicted most likely to grow by over 1% are transport & storage; professional & other private services; accommodation, food services & recreation; and wholesale & retail. Only three sectors are predicted to decline (one very marginally), the two with the greatest predicted decline are agriculture, forestry & fishing and by a large proportion the greatest decline is predicted in manufacturing.*

Transport and Access

North West Leicestershire benefits from excellent road transport links. It is at the intersections of the M1 and A42 whilst the A50 provides a link from the north of the district to Stoke on Trent and the North West of England and in the south-east to Leicester whilst the A453 provides a direct link to Nottingham”.

Paragraph 4.4 sets out the Spatial Vision for the local plan which includes:

“Businesses will choose to locate and grow in this area, taking advantage of its excellent location in the centre of the country, close to major road and rail networks and a major international airport. The East Midlands Enterprise Gateway, focussed on East Midlands Airport, Donington Park and the East Midlands Gateway Rail Freight Interchange, will be recognised as a key destination in its own right. This strongly performing economy will be reflected in low unemployment and reduced instances of deprivation”.

Section 4 also establishes a number of objectives which the plan is seeking to achieve including (paragraph 4.6):

“Objective 5 - Support economic growth throughout the district and the provision of a diverse range of employment opportunities including the development of tourism and leisure”.

Paragraph 5.5 notes that

“[The Strategic Distribution Study] in respect of the need for additional provision for distribution uses (Class B8) of more than 9,000sq metres has identified a need for both additional road and rail connected sites across the HMA but it does not identify any specific requirements for individual districts/boroughs. Within North West Leicestershire such provision has already been made through a Strategic Rail Freight Interchange (SRFI) near to East Midlands Airport/M1 Junction 24 (referred to as Roxhill), which was approved by the Secretary of State in January 2016”.

NEED OR DEMAND

In considering the issue of whether there is an immediate need or demand it is useful to consider what these two terms mean.

Need is defined in the Oxford Living Dictionary as to *“require (something) because it is essential or very important rather than just desirable”.*

Demand is defined as being *“an insistent and peremptory request, made of right”.*

In the current context it is considered that “need” correlates to a policy requirement identified through the plan making process as being necessary to ensure that the future needs of an area are adequately addressed. Meanwhile “demand” correlates to request from potential future users, or in other words ‘market demand’.

Therefore, there are two aspects which need to be considered in forming a view on this issue. The policy is clear that only one of ‘need’ or ‘demand’ must be satisfied; not both.

This note deals with the issue of ‘need’ by looking at the employment land situation in North West Leicestershire, then Leicestershire and then further afield towards the West Midlands in view of the sites location on the border of the East and West Midlands alongside the M/A42 corridor which is a key link between the two. It then goes on to consider the issue of ‘demand’ from within the market.

Before considering need and demand it is useful to understand the context of the application site in terms of the market. The site lies within what is often referred to as the ‘Golden triangle’. This is the area considered to represent the optimal position for national distribution due to its geographic location at the centre of Great Britain. The definition of the Golden Triangle is not universally agreed, but can be essentially divided into a ‘narrow Golden Triangle’ bounded broadly by the M1, M45/ M6 and M69 motorways alongside land immediately outside but served by junctions on these;

and a 'wider Golden Triangle' which extends along the M1 corridor from Milton Keynes to north Derbyshire/Nottinghamshire and extending into the West Midlands towards Birmingham. It is the wider Golden Triangle within which the application site lies.

The Golden Triangle plays a national role in supporting the efficient functioning of distribution networks, which in turn supports the competitiveness and productivity of other sectors in the economy including retail, automotive and other manufacturing sectors.

Assessment of need

North West Leicestershire Local Plan

The Local Plan was adopted on 21 November 2017. Policy S1 identifies a requirement for employment land of 66 hectares for the plan period (2011-31). This is based on the findings of the Housing and Economic Development Need Assessment (HEDNA) for Leicester and Leicestershire (2017).

Table 83 of the HEDNA identifies the following specific requirement for NWL:

| Type of employment land | Amount required (Ha) |
|--------------------------------|-----------------------------|
| B1 a/b | 45-46 |
| B1c/B2 | 3 |
| Small B8 | 17 |
| Total | 65-66 |

The reference to small B8 is units of less than 9,000sq metres. The need for units of more than 9,000 sq metres (strategic B8) is the subject of a separate study which is considered later.

Policy S1 includes a commitment to undertake an early review of the Local Plan in view of the fact that

“ whilst the current total provision of employment land is about 291 hectares, there is a mismatch between the type of land identified as being required in the HEDNA and the actual provision. There is a shortfall of about 29 hectares when compared to the HEDNA requirement for Class B1, B2 and B8 of less than 9,000sq metres” (paragraph 5.8).

The current employment land position (as at 31 March 2019) is summarised below¹.

¹ The requirement figures are those found in tables 80 and 82 of the HEDNA. Table 83 of the HEDNA rounds these to whole figures

| | B1a/b | B1c/B2 | Small B8 | TOTAL |
|---|-------|--------|----------|-------|
| Requirements 2011-2031 (not including strategic B8) | 44.7 | 3.3 | 16.8 | 64.8 |
| Completions 2011-2019 | 7.9 | 2.6 | 8.8 | 19.3 |
| Under construction at 1st April 2019 | 1.0 | 0.3 | 0.0 | 1.3 |
| Allocated | 5.3 | 5.3 | 5.3 | 28.7 |
| Sites which previously had permission | 10 | 0.5 | 2.3 | 12.7 |
| With permission at 1st April 2019 | 4.9 | 3.4 | 11.1 | 19.4 |
| Residual requirement up to 2031 | 15.6 | -8.8 | -10.7 | -3.9 |

Based on the above there is an over provision of land for both B1c/B2 and Small B8 and an under provision of land for B1a/b. Overall, when an allowance for the potential loss of existing employment sites to other uses is factored in, there is a slight over provision of about 4ha. However, this includes sites which have previously benefitted from planning permission and where some form of employment use is likely to be acceptable in principle. If these are excluded, there would be shortfall overall of about 9ha.

The current planning application is for a full planning application for B8 use with ancillary B1a/b offices (amount unspecified) and an outline for B1c, B2 and B8 with ancillary offices (again amount unspecified). Any B1a/b use will be limited in extent and in any event it is ancillary to the other uses rather than being a substantive use.

Therefore, the current application would not address the shortfall in employment land identified in the adopted Local Plan.

Policy S1 commits the Council to a review of the local plan. This review commenced in February 2018 and to accord with Policy s1 requires submission by February 2020. The current Local Development Scheme (LDS) establishes a timetable which aims to achieve this. The timetable for this review is currently being considered and it is likely that the LDS will have to be revised.

Leicester and Leicestershire

Whilst the HEDNA was concerned with identifying future employment land requirements, it did not in itself assess the need for strategic B8 uses (i.e. units of more than 9,000 sq metres) for the period to 2031 and 2036. Instead this was considered in a separate Leicester and Leicestershire Strategic Distribution Study (LLSDS). The original study was completed in November 2014 and was subject to an update in September 2016. The latter largely updated information regarding supply, it did not revisit the forecast of future needs.

The study identified needs in terms of rail based and non-rail based as set out below.

| | 2031 | | 2036 | |
|----------|-----------|-------------------|-----------|-------------------|
| | Land (Ha) | Floorspace (sq m) | Land (Ha) | Floorspace (sq m) |
| Rail | 209 | 838,000 | 274 | 1,094,000 |
| Non-rail | 152 | 607,000 | 198 | 792,000 |
| Total | 361 | 1,445,000 | 472 | 1,886,000 |

Since the submission of the current planning application a report has been published by Harborough District Council on the issue of need and demand. This report (referred to as the Icen Report) was commissioned as part of the evidence to the Harborough Local Plan Examination and in particular was concerned with the issue of additional land at Magna Park. However, it raises issues which are of relevance to this application and which it would be prudent to have regard to.

The Icen Report suggests that the split between rail and road based assumed by the LLSDS should only be regarded as indicative as there is not a clear evidential base for it. It notes that road-based distribution will continue to be the dominant means of freight transport. It supports the LLSDS in terms of figures treating the requirements as minima, and that a supply of land for strategic distribution should be maintained, with in essence a number of 'development ready' plots at multiple sites in different geographical locations maintained over time.

The Council has also commissioned its own advice. The consultants (G L Hearn)) have concluded that such a delineation between road and rail based is indeed less clear from the market feedback they have received.

Therefore, it is prudent to consider the issue of supply in terms of road and rail combined, but to also look at road based provision on its own.

Based on information obtained from the across Leicester and Leicestershire shows that taking account of new developments since 2011 and sites which have planning permission or are allocated in Local Plans, the total provision of strategic B8 at September 2018 was as follows:

| | Provision | |
|----------|-----------|-------------------|
| | Land (Ha) | Floorspace (sq m) |
| Rail | 203 | 981,911 |
| Non-rail | 353 | 838,040 |
| Total | 555 | 1,819,951 |

In terms of total provision, the land figures exceed the total requirements to 2031 and 2036. In terms of floorspace, the provision exceeds requirements to 2031 but fall slightly short to 2036 (by about 66,000 sq m). Looking just at road based, the provision exceeds the requirements to 2031 and 2036 in respect of both land and floorspace.

The Icen report has somewhat different figures and identifies a shortfall to 2031 of 105,000sq m. Some of this is attributable to the fact that they consider two of the sites with permission are not likely to be attractive to strategic distribution uses, for example because of their location. Only one of these sites is included in the council's figures. If it is excluded, then the shortfall in the council's figures increases by about 100,000 sq m. However, on the other hand it would appear that the Icen report has failed to take account of the provision at the East Midlands Distribution Centre.

On the back of the Iceni report, Harborough District Council has agreed to the allocation of additional land totalling about 318,000 sq m so increasing, even on the Iceni figures, the provision across Leicester and Leicestershire to above the requirements identified in the LLSDS.

The Iceni report noted that *“there are proposals coming forwards which – if they were all consented - would exceed this [requirement]”*². The reference to proposals coming forward includes the current application. However, it went on to state that *“Whilst this is significantly above the quantitative need identified, it is in itself in part an expression of the level of market demand”*.

The addition of further land at Magna Park means that the identified shortfall of 60,000 sq m to 2036 would be addressed. However, it is important to note that the LLSDS and the 2016 update are clear that:

- The demand forecasts should be viewed as minimum requirements and not viewed as ‘targets’ not to be exceeded;
- The quantum of land allocated (across the study area) should exceed expected demand and;
- A number of sites should be being bought forward simultaneously

This was reinforced by the Planning Inspector at the recent Harborough Local Plan Examination where he stated:

“However, the figures in the LLSDS are an assessment of future need made at a particular base date, not a cap or limit on the supply of strategic distribution floorspace. To apply them as a limiting factor would run contrary to the NPPF which emphasises that planning should operate to encourage and not act as an impediment to sustainable growth. The studies make it clear that the amount of land allocated for strategic distribution should always exceed the minimum need figures and that authorities should look to ensure that there are multiple strategic sites with deliverable plots available at different geographical locations at all times.”

Therefore, the provision figures outlined above are not, on their own, sufficient to rule out the proposed development. It is also necessary to consider other matters of relevance from the LLSDS.

The LLSDS identified a number of key areas of Opportunity (KAO) across Leicester & Leicestershire³. These were defined by having regard to a series of criteria to define *“areas across Leicestershire [and the East Midlands region] where new commercially attractive logistics sites should be located”*.

Within North West Leicestershire 3 KAO were identified:

- KAO C - East Midlands Airport to south Derby corridor (rail and road served)
- KAO E - M1 North corridor (road served)
- KAO F - M42/A42 corridor (road served)

The application site is located within KAO F.

The study went on to further distinguish between the ‘Best KAO’ and those which were regarded as being ‘Good KAO’. KAO C was included in the ‘Best’ category whilst KAO E and F were both regarded as being ‘Good’.

² Policy BE2: Evaluation of Need, Demand and Impact, Final Report (December 2018) paragraph 4.15

³ Leicester and Leicestershire Strategic Distribution Sector Study: Part B Report Chapter 6

The study noted that *“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 the planners will need to focus their searches and consider making provision for new strategic logistics sites.”* The study did not assess specific sites.

The study also advised that for road-based only sites that new sites be brought forward *“within at least two of the key areas of opportunity simultaneously i.e. not one after the other”* in order to ensure *“that the market in future is offered a geographical spread of commercially attractive sites”*⁴. This was repeated in the 2016 update report which advised that *“multiple strategic sites with vacant plots at different locations should always be available”*⁵

Whilst this is not formal policy, it represents a material consideration in its own right.

The analysis of information across Leicester & Leicestershire referred to earlier, identifies that there are road-based developments in both KAO D (M1 south) and E (M1 North), but none within KAO F⁶. Those sites within KAO E are both in the process of being developed. This would mean that in the not too distant future that road based provision would only exist in one corridor, not the two suggested by the LLSDS. This, coupled with the absence at the present time of any road based provision in KAO F, provides support for the release of the application site.

The LLSDS also identified the key locational characteristics of a commercially attractive logistics site⁷. These are:

- Good connections with the strategic highway network;
- Appropriately located relative to the markets to be served;
- Offers modal choice; 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;
- Is sufficiently large and flexible in its configuration so that it can accommodate an intermodal terminal and internal reception sidings;
- Is sufficiently large and flexible in its configuration so that it can accommodate the size of distribution centre warehouse units now required by the market;
- Is accessible to labour, including the ability to be served by sustainable transport, and located close to areas of employment need; and
- Is located away from incompatible land-uses

In terms of road-based sites it specifically noted that *“Road only sites can be considered ones which meet all the other criteria outlined above, bar the modal choice requirements outlined above and the rail terminal facilities criteria”*.

Looking at the remaining criteria (those underlined above) it is considered that the application site performs well. The issue of being served by sustainable transport is addressed later on. In terms of size of site, the LLSDS suggests that rail-served sites would, need to be at least 50ha in size⁸.

⁴ Leicester and Leicestershire Strategic Distribution Sector Study (2014): Final report Page 32, paragraph 3.19

⁵ Leicester and Leicestershire SDS: Update Report Scope A (2016) page 8

⁶ There is potential provision in the M/A42 corridor at the Lounge site at Ashby de la Zouch, but this is proposed to be rail based and so notwithstanding the doubts regarding its deliverability associated with the site due to HS2 it would not count as being road-based

⁷ Leicester and Leicestershire Strategic Distribution Sector Study (2014): part A Report Chapter 5

⁸ Leicester and Leicestershire Strategic Distribution Sector Study (2014): part A Report Chapter 5 paragraph 5.26

However, no advice regarding size was provided in respect of road-based sites although it is noted that the applicants in their Employment Land Statement have sought to suggest otherwise.

Leicester and Leicestershire - conclusions

Based on figures compiled in co-operation with the other Leicestershire authorities there is no specific need for strategic B8 identified for North West Leicestershire, whether road based or road and rail based combined compared to the requirement identified in the LLSDS. The acknowledged shortfall in employment land in North West Leicestershire would not necessarily be addressed by the application.

However, as noted in the 2016 the requirements identified in the LLSDS have to be regarded as a minimum figures and not a target. This has been confirmed as part of the Harborough Local Plan Examination.

However, the LLSDS also identified a number of KAO, including the M/A42 corridor. It is a matter of fact that there is no road based supply in the M/A42 corridor within Leicestershire at this time. Whilst the LLSDS did not specifically suggest that there should be supply in every corridor, it did suggest that road-based provision should be being brought forward in at least two KAO simultaneously. This is not currently the case in terms of new supply across Leicester & Leicestershire. This would support the release of the application site, although It should be appreciated that the LLSDS is not policy but rather part of an evidence base.

Needs in the wider area

As noted the application lies on the border with the West Midlands and so it is appropriate to consider what the current situation is there in terms of any policy needs for the proposed development.

This is a point noted in the Icen study which states that *“The market for strategic distribution floorspace is one which crosses local authority boundaries and essentially traverses the East/West Midlands boundary as well”*⁹.

The Harborough Planning Inspector also noted that:

“Moreover, the operational needs of the Midlands strategic distribution sector cannot be considered solely in terms of figures for Leicester and Leicestershire or the East Midlands”.

Coventry and Warwickshire

The Coventry and Warwickshire local planning authorities have signed a Memorandum of Understanding (MOU) in respect of employment land. This identifies a requirement for the period 2011-31 of 714 ha. In view of the fact that Coventry City is unable to meet its needs, a redistribution across Coventry and Warwickshire has been agreed to ensure that the overall need of 714 ha will be met. It is understood that all of the constituent Local Plans reflect the MOU and that the plans are either adopted (Coventry, Warwick and Stratford) or at an advanced stage (Rugby – consultation on post-examination main modifications, Nuneaton and Bedworth – receipt of Inspector’s Report, and North Warwickshire – examination).

Separate work undertaken on behalf of the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) by CBRE looked at large strategic sites (defined as above 5ha) identified potential

⁹ Policy BE2: Evaluation of Need, Demand and Impact, Final Report (December 2018) paragraph 4.33

employment growth options ranging from 335ha to 660ha, with the latter being the recommended figure. The CBRE study was not used to inform Local Plans, but it provides an indication of the scale of future needs across Coventry and Warwickshire.

North Warwickshire Borough Council

North Warwickshire borough bounds the application site.

The North Warwickshire Core Strategy was adopted in October 2014. It includes provision to be made for 60 ha of employment land between 2011 and 2029. The Borough Council has not made a request to NWLDC to meet any of its needs.

A new Local Plan is currently at examination. Policy LP6 identifies that provision will be made for about 100 ha of employment land between 2011 and 2033. The Borough Council has not made a request to NWLDC to meet any of its needs.

A separate statement of Common Ground (SOCG)¹⁰ has been agreed between North Warwickshire, Tamworth and Lichfield to address the fact that Tamworth is unable to meet all of its needs for housing and employment within its boundaries. In terms of employment the shortfall is 14 hectares. The SOCG identifies that 6.5 hectares will be provided for within Lichfield and 8.5 hectares in North Warwickshire.

North Warwickshire Borough Council has not identified an unmet need and nor has it requested that North West Leicestershire help it make employment land provision.

West Midlands

Looking further afield, various studies have been undertaken across the West Midlands area, but there is no formally agreed strategy or plan which addresses the issue.

The Employment Land Statement (ELS) submitted as part of the planning application makes reference to a number of these studies. Whilst these raise issues regarding the supply of land in the West Midlands, they do not identify an overall requirement figure for the West Midlands and as a result there is a policy vacuum in terms of a robust assessment of future needs across the West Midlands. It is understood that the three Local Enterprise Partnerships¹¹ have commissioned a West Midlands Strategic Sites study which should go some way to addressing this vacuum (as referred to in paragraph 4.25 of the ELS). It is understood that this is not likely to be published until the autumn.

The West Midlands Strategic Employment Sites Study (WMSESS) referred to in the ELS identifies a number of market areas across the West Midlands. A number of references are made in the ELS to Area A as having a very limited supply (3.7 years) of employment land (as at the time the study was undertaken). Whilst this was the case, the application site falls within a different area (referred to as East Staffordshire) where at the time of the study there was supply of 14.5 years.

Conclusions on need

In summary:

- There is a shortfall of employment land in NWL compared to the requirements identified in the HEDNA, but this relates to B1a/b uses not strategic B8;

¹⁰ Dated 4 and 8 September 2018

¹¹ Greater Birmingham and Solihull LEP; Coventry and Warwickshire LEP and Black Country LEP

- Whilst recognising that the LLSDS requirements are not targets but a minimum requirement, there is significant over provision of strategic B8 across Leicester and Leicestershire in terms of both land and floorspace;
- The LLSDS suggestion that road-based supply should be forthcoming in two KAO simultaneously will not be satisfied in terms of the current new supply figures;
- There is no definitive evidence of a policy need from the West Midlands region

Assessment of Demand

In terms of demand, the application as submitted did not identify any specific end users but was supported by an Employment Land Statement (ELS) to address this particular issue. This referred, amongst other matters, to there being two potentially interested parties who, for reasons of commercial confidentiality, could not be identified at that point in time. Since the submission of the application it has now been confirmed that the proposed units will be occupied by DSV (confirmed 26 June 2019) and by Jaguar Land Rover (19 August 2019).

DSV propose to build a new purpose-built logistics campus (Class B8) of 45,300 sq m (487,605 sq ft) to consolidate and expand its existing Midlands operation on a single site. They have also set out their reasons for choosing this site having looked at the wider area and what is available in the market.

Jaguar Land Rover (JLR) are to use 5 of the new units (totalling nearly 3 million sq feet) as a global parts logistics centre from aftermarket parts. This will result in the consolidation of a number of existing facilities, but it will also result in the creation of additional jobs. According to the information provided, JLR have identified that they require a flat site and that the application site lies within a 30 minute drive time of a number of key parameters, including transportation links and existing JLR facilities. The supporting information advises that JLR have undertaken a search for other potential sites to match their requirements, but none does.

The fact that all of the proposed units are subject to agreements with specific, named end users demonstrates that there is a clear demand for the proposed developments. This is further supported through an independent report commissioned by the Council from G L Hearn to assess the issue of demand. This notes that the Leicestershire lies within the 'Golden Triangle' for logistics uses and that the district is likely to be attractive to the logistics sector should suitable sites be available.

The G L Hearn study looked at take up rates for the period 2012-18 as an illustration of demand from potential occupiers using data from another commercial source. Such an approach is commonly used and is consistent with the Planning Practice Guidance in respect of Housing and Economic Needs Assessment when seeking to establish market demand.

It notes that over this period over 45% of all transactions involving units of more than 100,000sq ft (9,290 sq metres) occurred in North West Leicestershire where *"it is undeniably the focal point of demand for large sheds"*¹²

In terms of current supply it identifies that across Leicester and Leicestershire there is about 9.4m sq ft (871,472 sq metres) available and that in NWL the figure is 6.2m sq ft (575,980 sq metres)¹³. These figures are for both road and rail-based and so are not comparable with those previously referred to in respect of the LLSDS. Comparing this to average take up between 2012 and 2018 these equate to a supply equivalent to 3.7 and 5.4 years respectively. However, when looking at direct

¹² Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) paragraph 3.4

¹³ Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) Table 1

supply (i.e. sites already built out and so available for immediate occupation) the supply is only 0.8 years for Leicester & Leicestershire and 0.3 years for North West Leicestershire.

This latter point is an important consideration in the context of Policy Ec2 as if there is limited existing floorspace available then it is more likely to require the release of additional land if there is demand which is 'immediate'.

A similar exercise was undertaken for the M/A42 corridor. This identifies a supply of 3.2 years for the corridor and 5.9 years for the NWL part of the corridor¹⁴. The figures for direct supply are 0.5 years and zero respectively. The latter indicates "*strong and potentially pent-up demand in the district*"¹⁵.

Furthermore about 50% of the supply in North West Leicestershire is located at the East Midlands Gateway (Segro) development, whilst North West Leicestershire accounts for 75% of all schemes in the M/A42 corridor.

The report advises that "*As a result the supply position may not be as healthy as first appears to be the case*"¹⁶.

The study also sought the views of commercial agents across the M/A42 corridor. This concluded that "*Overall the balance of agents suggest that in short term (0-2 years) there is sufficient land available (primarily pipeline) to meet the current demand in the area, which is in accordance to our analysis above. However in the medium / longer term there may not be enough land/supply if demand continues to remain at its current high level*"¹⁷.

The issue of market demand was also considered by the Harborough Planning Inspector. He concluded that:

"the market is healthy and points to a strong need to bring forward additional large-scale strategic distribution floorspace to maintain a choice of sites in the medium and longer term".

The Inspector went on to recommend the release of additional land at Magna Park and this was accepted by Harborough District Council. It will be noted that the Inspector refers to sites in the plural and so would point to further sites being required as well as that at Magna Park

Conclusions on demand

The applicants have been able to demonstrate that there is immediate demand for all of the site.

This is further supported by the work undertaken by G L Hearn using past take-up rates as an illustration of potential demand. The study suggests that the current level of supply in North West Leicestershire appears to be quite healthy. However, this supply is heavily reliant upon the East Midlands Gateway which is a "*potential issue*"¹⁸.

The GL Hearn study concludes (paragraph 3.28) that in view of this "*To enhance competition and delivery this may warrant the need to consider releasing other sites elsewhere in the district, subject to demand and site suitability*"¹⁹

¹⁴ Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) Table 3

¹⁵ Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) paragraph 3.21

¹⁶ Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) paragraph 3.27

¹⁷ Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) paragraph 3.42

¹⁸ Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) paragraph 3.27

¹⁹ Independent Review of employment Statement 18/01443/FULM – G L Hearn (2019) paragraph 3.27

Overall conclusions on need and demand

Policy Ec2 is quite clear that there has to be an “*immediate need or demand*” for the proposed development. It is necessary to only demonstrate one of need or demand not both.

Dealing first with the issue of demand, the applicants have been able to demonstrate that there is immediate demand for all of the site through the identification of two named, future occupiers (DSV and JLR). Furthermore, work undertaken on behalf of the Council by G L Hearn suggests that there is likely to be a demand in general terms which could be met by the proposed development.

Therefore, the provisions of policy Ec2 are satisfied. Whilst it is only necessary to demonstrate one of need or demand, it is also worth considering the issue of need as well. There is no clear evidence of need from beyond Leicester & Leicestershire.

From a Leicester & Leicestershire perspective the issue is not clear cut. The available evidence does not initially provide support for the application when looking at the requirements identified in the LLSDS and taking account of the recent commitments at Magna Park. However, the LLSDS is clear that road based provision should occur simultaneously in two or more key corridors. This not the case in terms of sites coming forward across Leicester & Leicestershire. The application site is located within one of the Key Areas of Opportunity identified in the LLSDS and so would address this issue as well as secure a supply within the corridor.

Policy Ec2 goes on to require that if such a need or demand can be demonstrated then it is necessary to consider whether there are any other sites within the district where such demand could be accommodated. It is noted that the Planning Support Statement (PSS) addresses this issue in chapter 6. The conclusions it reaches regarding sites elsewhere in North West Leicestershire (paragraphs 6.20 – 6.22) are considered to be appropriate. It is noted that the PSS goes on to assess other sites outside of the district. This is not required by policy Ec2 and so no comment is made as to the appropriateness or otherwise of the conclusions reached.

Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development.

The application site is not currently served by public transport with the nearest bus service being about 1.3km distant in Appleby Magna (a 2 hourly service Mon-Saturday, between 07:00 and 17:00). At this time the application is not considered to represent an accessible location. Therefore, it is necessary to consider what proposals are made to address the lack of accessibility. The views of the respective highway authorities will be an important consideration in this respect.

Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions.

The sites locations adjoining the A42 and in particular junction 11 would satisfy the need for good access to the strategic highway network. In terms of impact on the highway network the views of the respective highway authorities will be an important consideration in this respect.

Not being detrimental to the amenities of any nearby residential properties or the wider environment.

No comments are made from a policy perspective in respect of this factor.

Other consideration

The development plan provides the starting point for considering this application, but it is also necessary to have regard to any other material considerations.

NATIONAL POLICY CONSIDERATIONS

National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) was published in July 2018 and so post-dates the adoption of the local plan in November 2017. It notes that the purpose of the planning system is to contribute to the achievement of sustainable development. Amongst other things this means helping to *“build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right place and at the right time”*.

Section 6 of the NPPF goes in to more detail regarding *“building a strong, competitive economy”*. It states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and [my emphasis] wider opportunities for development”*.

In terms of planning policies it says (amongst other matters) that these should *“Set criteria, or identify strategic sites, for local or inward investment to match the strategy [of the plan] and to meet anticipated needs over the plan period”*. This is done in the adopted Local Plan, as already noted, which allocates land for employment development (albeit there is a shortfall against the HEDNA) whilst policy Ec2 sets out the criteria for assessing planning applications on sites.

It goes on to state that *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitable accessible locations”*.

It has already been noted that significant provision has already been made for B8 uses across the district, both strategic and non-strategic.

The reference to accessible locations has to be seen in the context of the rest of the NPPF, in particular paragraph 103 which makes it clear that *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”*. It also mirrors the requirements of policy Ec2, and which has been considered above

The recent changes to the NPPF represents a change in government policy from that in place at the time that the local plan was adopted. Whilst it is considered that this does not mean that the local plan is out-of-date in respect of this issue, it is a material consideration to which significant weight can be attached, representing as it does a clear statement of governments intent to support this sector of the economy. However, the NPPF is clear that such development should be in *“accessible locations”*, which at the present time the application site is not considered to be the case.

The NPPF also states the following:-

“Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.”

The proposal includes provision of lorry parking to serve the needs of the development itself, but it is suggested that this issue should be addressed by the proposed development and appropriate lorry parking facilities provided to allow for overnight stays.

National Policy Statement for National Networks

The National Networks National Policy Statement (NPS) sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. Whilst the current applications would not constitute an NSIP, paragraph 1.4 makes it clear that "*this NPS may also be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis*".

Whilst the Government, through the NPS, supports the growth of Strategic Rail Freight Interchanges (such as East Midlands Gateway) the NPS does not seek to restrict road freight growth and it is clear that this is likely to remain the dominant means of freight transport for some time.

Overall conclusions

There are a number requirements established by Policy Ec2 of the Local Plan that have to be satisfied in order for a proposal for employment development to be considered favourably.

(i) Evidence indicates an immediate need or demand

There is a shortfall in employment land provision across the district compared to the requirements identified in the HEDNA. However, this shortfall is in terms of B1a/b uses which the application would not address.

It is necessary to only demonstrate one of need or demand not both. In this instance there is an 'immediate demand' for all of the site as evidenced by the information submitted in respect of the proposed named, end users; DSV and JLR. Furthermore, there is also evidence of a general demand which could be met by the proposed development. .

Therefore, subject to any technical considerations the provisions of Policy Ec2 are satisfied.

(ii) Cannot be met from land allocated in the Local Plan

There is only one site allocated for employment development in the adopted Local Plan; land north of Ashby de la Zouch (Money Hill). This is a site of 16ha. The council's consultants advise that this site would not be suitable for the current proposal due to its location adjacent to proposed housing developments. It is agreed that this is the case.

Policy Ec1 identifies 3 sites with planning permission of which one (land rear of Charnwood Arms) is too small, which again the council's consultant considers to not offer a suitable alternative.

Therefore, this aspect of Policy Ec2 is satisfied.

(iii) Be in an appropriate location

The application site is poorly related to the existing settlement pattern and nor is it served by public transport. On the latter point it is understood that the applicant has proposed a series of measures designed to address this issue, thus potentially satisfying Ec2 (a). The site is also well related to the strategic highway network and so satisfies Ec2(b).

The sites poor relationship to the existing settlement pattern is, in this instance, a potential advantage as Ec2 (c) requires that the development would not be “*detrimental to amenities of nearby residential properties*”. It also requires that the development not to be detrimental to “*the wider environment*”. Both of these matters are outside the scope of the comments offered but needs to be considered in determining a final recommendation.

From a policy perspective and on the basis of the available evidence, and subject to any other considerations (including those relating to Ec2 and other relevant local plan policies), it is considered that the application proposal would be considered favourably.

SECTION B- OTHER MATTERS

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 3 September 2019

Section A – Planning Applications

| Item | Reference | Details | Amend | Print | Sign | Sent |
|------|---------------|---------|-------|-------|------|------|
| A1 | 18/01443/FULM | | | | | |

Section B – Other Matters

| Item | Reference | Details | Amend | Print | Sign | Sent |
|------|-----------|---------|-------|-------|------|------|
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