

Development of up to 46,451 sq m GIA of B2 (industrial) and / or B8 (storage or distribution) units with ancillary E(g)(i) (offices) and service buildings, along with associated parking, highway infrastructure, landscaping and potential foul drainage connection to Farm Town (outline, all matters reserved expect for the principal means of vehicular access to the site).

Land at Corkscrew Lane, Ashby De La Zouch,
Leicestershire.

Grid Reference (E) 437817
Grid Reference (N) 316187

Applicant:
P Fovargue

Case Officer:
Adam Mellor

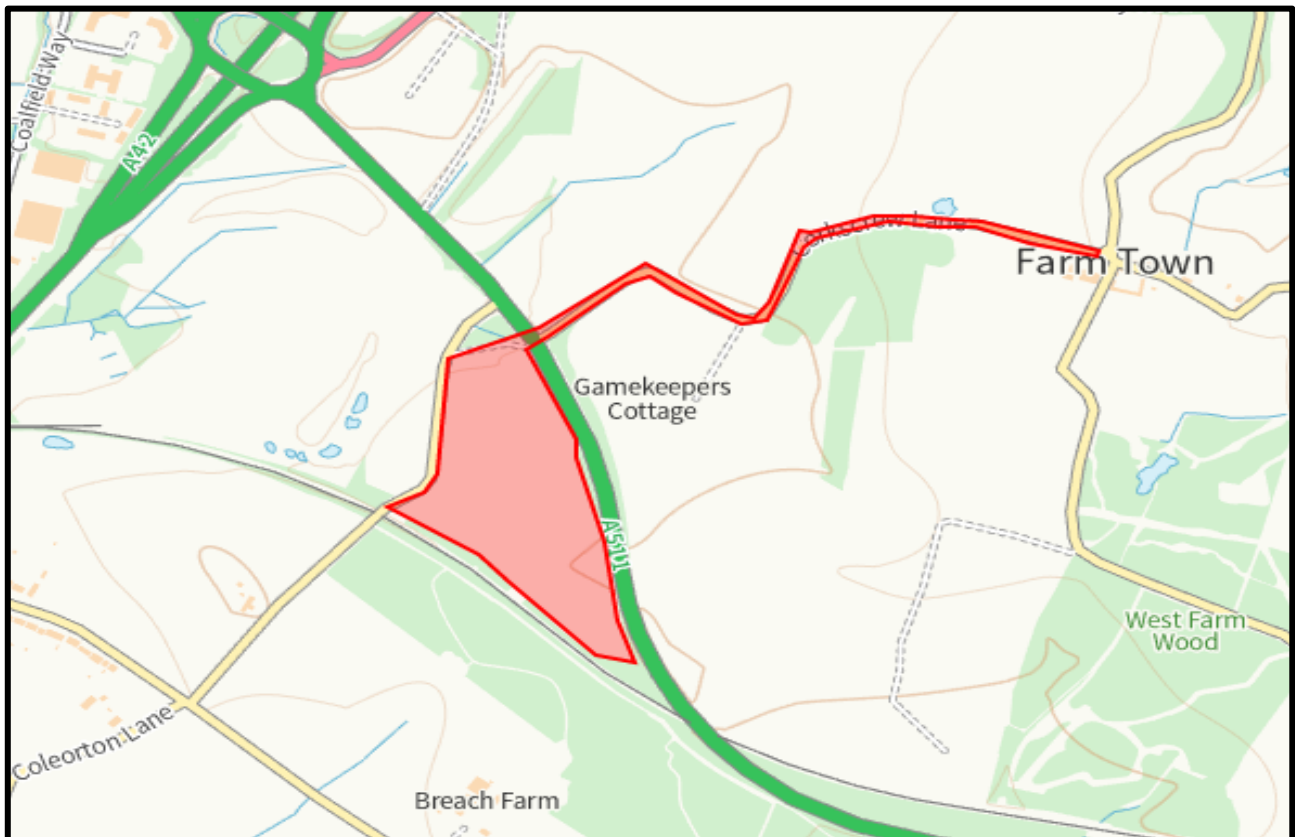
Recommendation:
PERMIT SUBJECT TO SECTION 106

Report Item No
A2

Application Reference:
23/00427/OUTM

Date Registered:
12 April 2023
Consultation Expiry:
1 November 2024
13 Week Date:
12 July 2023
Extension of Time:
10 December 2025

Site Location



Reasons the case is called to the Planning Committee

This application is referred to the Planning Committee for determination on the basis that that it is contrary to the provisions of an approved Development Plan policy and is recommended for permission, and in the opinion of the Strategic Director of Place it is likely to raise matters which should be referred to the Planning Committee and is recommended for permission.

RECOMMENDATION – PERMIT, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following:

- (i) A financial contribution of £610,454.50 towards improvement works in keeping with the Interim Coalville Transport Strategy (ICTS).
- (ii) A financial contribution of £7,500.00 for the submission of a Traffic Regulation Order (TRO) for the proposed amendments to the speed limit and weight restriction on Corkscrew Lane.
- (iii) A financial contribution of £12,760.00 for improvement works to the traffic signals at the A511 roundabout with Junction 13 of the A42.
- (iv) Appointment of a Travel Plan Co-ordinator.
- (v) A travel plan monitoring fee of £11,337.50 for LCC's Travel Plan Monitoring System.
- (vi) Travel packs at a cost of £52.85 per pack (or a cost of £500.00 if supplied by the applicant).
- (vii) Six month bus pass per employee at a cost of £360.00 per pass.
- (viii) Employment strategy to maximise job and education opportunities in the construction and operational phases of the development in the local area.
- (ix) A total of 3.93 hectares of National Forest Planting to be delivered partly on-site and off-site.

Total Financial Contribution - £807,192.00 (based on 400 full time equivalent jobs being created)

1. Standard Time Limit for submission of reserved matters.
2. Reserved matters approval required for scale, layout, appearance, internal access and landscaping.
3. Approved plans.
4. Proposed unit to be used for purposes under either use class B2 or B8.
5. Floor space of the proposed unit to be no smaller than 40,000 square metres.
6. Offices (under use class E(g)(i)) to be ancillary to the principal use of the unit under either use class B2 or B8.
7. Overall height of the unit not to exceed 168.9 metres above ordnance datum (AOD).
8. First reserved matters application to be accompanied by details of the finished floor and ground levels and site sections to demonstrate the relationship with the surrounding area.
9. First reserved matters application in relation to the layout to be accompanied by a revised acoustic assessment which will specify any form of mitigation (if required).
10. First reserved matters application to be accompanied by an ecological enhancement scheme demonstrating compliance with section 5.0 of the submitted Preliminary Ecological Appraisal.
11. First reserved matters application to be accompanied by a Landscape, Ecological and Biodiversity Management Plan.
12. First reserved matters application to be accompanied by a Sustainability and Energy Statement which includes demonstration that a minimum BREEAM rating of 'Excellent' is achieved.
13. First reserved matters application to be accompanied by an external lighting scheme (which will also include a lighting strategy for bats and nocturnal wildlife).
14. Construction hours.
15. Biodiversity Construction Management Plan (BEMP) (to include details relating to compliance with section 5.0 of the submitted Preliminary Ecological Appraisal) prior to commencement to be submitted, approved and implemented.
16. Great crested newts' mitigation strategy (being a Reasonable Avoidance Measures Method Statement (RAMMS)) prior to commencement to be submitted, approved and implemented.

17. Dust management plan prior to commencement to be submitted, approved and implemented.
18. Development to be undertaken in accordance with the submitted arboricultural method statement and tree protection plan.
19. Foul drainage required to discharge outside of the catchment of the River Mease SAC / SSSI.
20. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
21. Surface water drainage scheme (including the provision of the on-site Sustainable Urban Drainage System (SuDS) features) prior to commencement to be submitted, approved and implemented.
22. Surface water drainage maintenance scheme prior to the first use of the development to be submitted, approved and implemented.
23. Construction lighting scheme (if required, and which will also include a lighting strategy for bats and nocturnal wildlife) to be submitted, approved and implemented before any construction lighting is provided.
24. Further risk based land contamination assessment prior to commencement to be submitted, approved and implemented.
25. A verification investigation prior to first use of the development to be submitted, approved and implemented.
26. Development to be undertaken in accordance with the recommendations of the submitted coal mining risk assessment.
27. Programme of archaeological work prior to commencement to be submitted, approved and implemented.
28. Public transport strategy prior to the first use of the development to be submitted, approved and implemented.
29. Occupier specific travel plan prior to the first use of the development to be submitted, approved and implemented.
30. Delivery of off-site highway works in accordance with the submitted plans prior to the first use of the development.
31. Delivery of site access arrangements, including visibility splays, in accordance with the submitted plans prior to the first use of the development.
32. Details of the closure of the existing vehicular accesses off Corkscrew Lane to be submitted, approved and implemented within one month of the proposed vehicular access being first brought into use.
33. Construction traffic management plan prior to commencement to be submitted, approved and implemented.

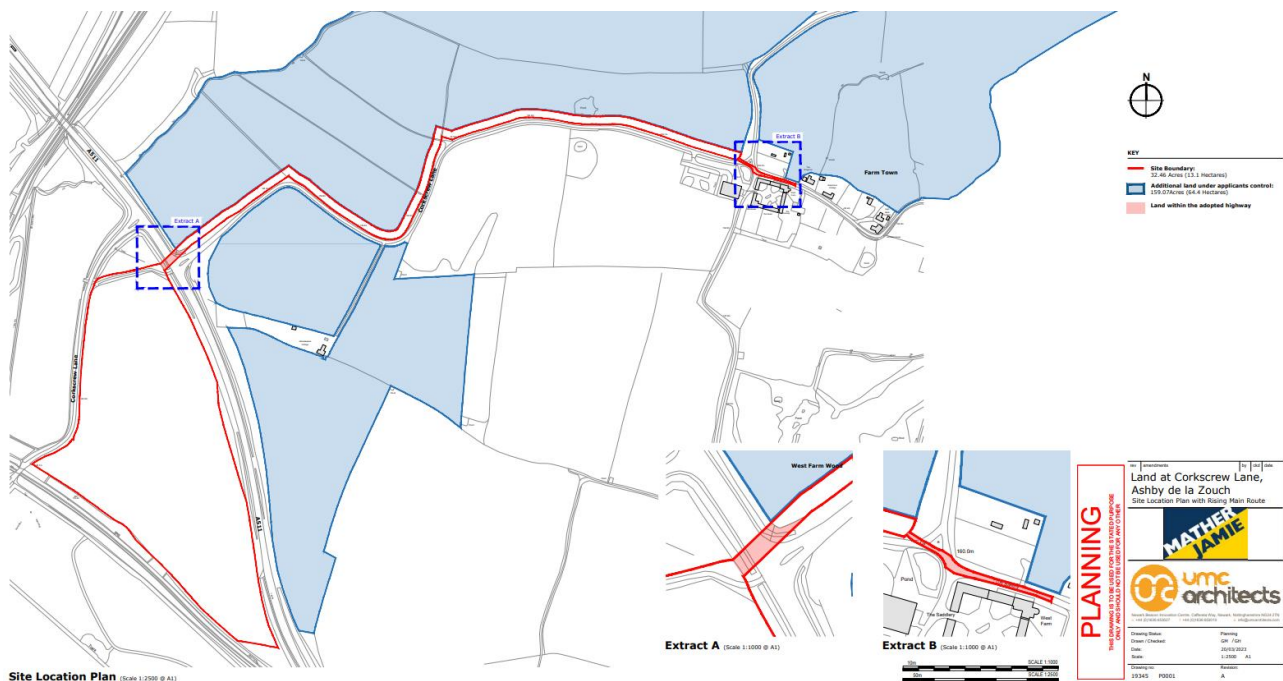
MAIN REPORT

1. Proposals and Background

This is an outline planning application for employment development (B2 (industrial) and / or B8 (storage or distribution) with ancillary E(g)(i) (offices)) on a site of approximately 11.5 hectares of agricultural land which lies to the east of Corkscrew Lane and west of the A511 (as is identified in the image below). The site area would be 13.1 hectares when accounting for the potential foul drainage connection to Farm Town.

The Lounge Disposal Point lies to the north-west, with the application site being outside the Limits to Development as defined on the Policies map to the adopted North West Leicestershire Local Plan. The location of the site is shown on the plan below.

Site Location Plan (which also shows the potential foul drainage connection to Farm Town)



An aerial photograph of the site is provided on the next page.

Aerial Image of Site Location (Main Application Site)

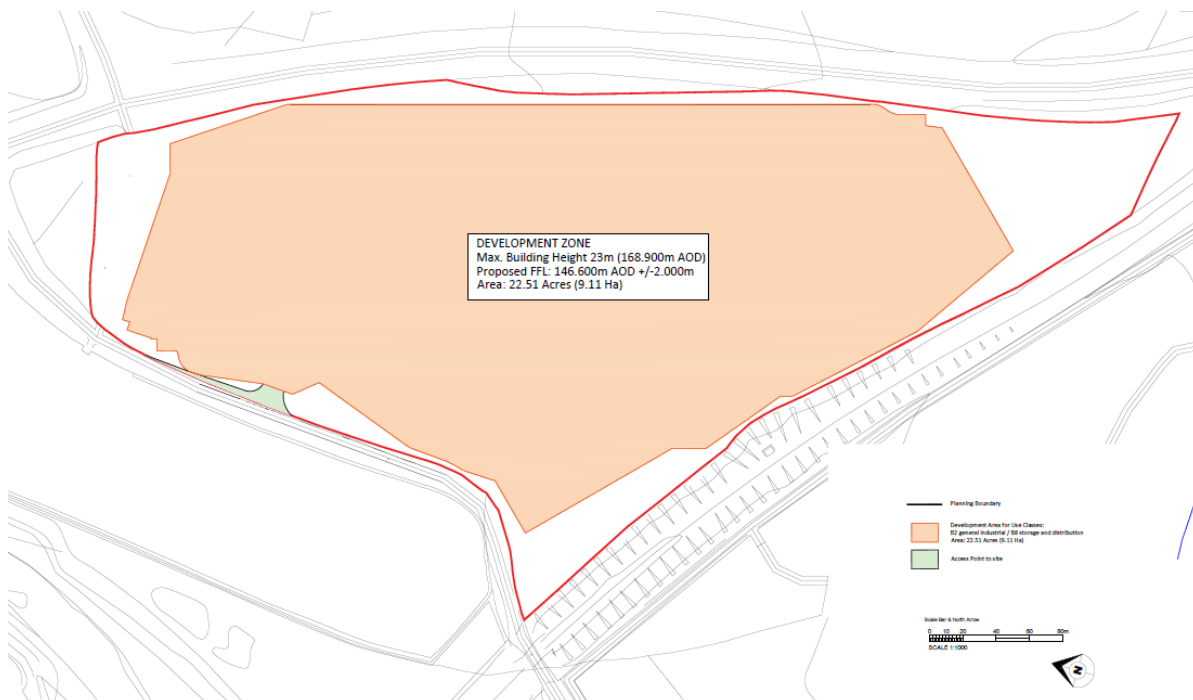


A screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in respect of the proposed employment development was issued on the 9th June 2022 (under application reference 22/00864/EIA) and where it was determined that an application would not need to be accompanied by an Environmental Statement (ES).

During the consideration of the application, it has been established that DHL Real Estate Solutions (DHL RES), which is the development arm of the DHL Supply Chain, wish to occupy the site and would require a building with a minimum floor space of 40,000 square metres. The supporting information supplied by DHL RES indicates that there is no other suitable site (allocated, consented or emerging) to meet the immediate needs of DHL RES other than the land at Corkscrew Lane. It is also outlined that the DHL RES requirement in the District would not involve the closure or consolidation of any existing assets in the District, with the proposed facility accommodating a new customer of DHL RES who wish to locate to the District.

Whilst all matters, bar the principal means of vehicular access into the site, are reserved for subsequent approval, a parameters plan (as shown in the image below) has been submitted which splits the site into two zones (the access zone and the development zone). The parameters plan proposes that the development zone (totalling 9.11 hectares) would contain a building with a maximum height of 23 metres.

Development Parameters Plan



An indicative masterplan has also been submitted (as shown in the image below) which shows how a scheme could be brought forward to meet the requirements of DHL RES.

Indicative Masterplan



It is noted that a unit of 9,000+ square metres proposed for B8 purposes would be classed as a strategic-scale B8 unit.

In terms of the principal means of access, the parameters plan above identifies that a vehicular access would be provided onto Corkscrew Lane which would be around 90 metres from the vehicular access proposed to serve what is known as the 'G-Park' development on the former Lounge Disposal

Point (permitted under application reference 19/00652/FULM). The remainder of the 'access' matters (i.e. circulation routes through the site itself and the unit to be created by vehicular and non-vehicular means) are reserved for subsequent approval.

The application submission also acknowledges that the site is within the catchment area of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) with there being issues associated with foul water connections to the sewerage networks within the catchment area. Therefore, the application as submitted identifies the potential for a foul drainage connection to be made from the site to an existing sewer in the vicinity of Farm Town with the principle of connecting to the foul drainage network in this location being agreed with Severn Trent Water (STW). Notwithstanding this, it is noted that a foul drainage connection from the 'G-Park' site to the sewer in Farm Town has already been installed and consequently the proposed development would have the ability to connect into the public sewer within the immediate vicinity of the site, rather than necessitating an entirely separate foul drainage connection to Farm Town.

All other matters (i.e. internal access, appearance, landscaping, layout and scale) would be reserved for subsequent approval.

All relevant documentation, including the plans and supporting information, can be viewed on the District Council's website.

Relevant Planning History.

There is no recent or relevant planning history associated with the site.

2. Publicity

12 neighbours notified on the 18th of April 2023.

A site notice was displayed on the 21st of April 2023.

A press notice was published in the Leicester Mercury on the 26th of April 2023.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Ashby De La Zouch Town Council on the following summarised grounds:

1. No demonstrated need or demand has been provided for the development as required by Policy Ec2(2) of the adopted Local Plan;
2. There are no current walking and cycling links to the site and no bus service is available and therefore sustainable travel is not possible which is unacceptable;
3. The impacts associated with the signalisation of the A511 are not clear and would exacerbate highway safety impacts on what is already a busy road which would be further compounded by traffic from the G-Park and Money Hill developments;
4. The application is outside the defined Limits to Development and is in the countryside;
5. There will be 'rat-running' via Corkscrew Lane and Leicester Road to avoid congestion which increases traffic on these roads to the detriment of highway safety;
6. There are no cycle routes from / to Ashby and Coalville proposed.

Ashby De La Zouch Town Council has also outlined that if planning permission was to be granted then they would expect conditions to ensure there is no right turn at the end of Corkscrew Lane onto the A511 from the site; No left turn out of the site towards Leicester Road; Ensure a bus service is available from nearby settlements; safe pedestrian access from / to the site and the G-Park site and that solar panels are installed on the roof(s) of the unit(s). The Town Council would expect Section 106 mitigations to improve the cycle route from / to Ashby and Coalville which could form part of the North West Leicestershire District Council Cycling and Walking Strategy and that community benefits are provided as a result of the revenue generated from the solar panels.

Coleorton Parish Council who have stated the following: *“there are concerns relating to various highway issues, including the diminishing safe cycle routes in the locality. It also has concerns about the arrangements for sewerage, contamination, capacity, system design and the different materials in the sewerage of industrial units, compared to agricultural and residential. The Parish Council is also of the opinion that NWLDC has already approved sufficient quota within the district so that this application is not required.”*

Comments from:

NWLDC – Landscape Consultant who whilst not undertaking their own Landscape and Visual Impact Assessment (LVIA) has determined that in their view the impact to landscape character in year 1 would be moderate to major adverse reducing to moderate adverse after 15 years.

No Objections from:

East Midlands Airport Safeguarding.
NWLDC – Planning Policy and Land Charges.
NWLDC – Tree Officer.

No Objections, subject to conditions and/or informatives, from:

Coal Authority (Mining Remediation Authority).
Leicestershire County Council – Archaeology.
Leicestershire County Council – Ecology.
Leicestershire County Council – Highways Authority.
Leicestershire County Council – Lead Local Flood Authority.
Leicestershire County Council – Minerals and Waste Planning Authority.
National Forest Company.
National Highways.
Natural England.
NWLDC – Environmental Protection (Air Quality).
NWLDC – Environmental Protection (Contaminated Land).
NWLDC – Urban Designer.

Third Party Representations

Twelve representations have been received objecting to the application with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development	There is already sufficient provision of industrial buildings within the District and therefore no more are needed particularly on greenfield land.
	The land no longer required for the delivery of HS2 should be used for this type of development rather than a greenfield site.
Highways Impact	The proposed development combined with that associated with G-Park will result in a level of vehicular movements which would be of detriment to highway safety and result in queuing traffic outside of the sites which will initially be onto Corkscrew Lane and then transgress onto the A511.
	The capacity of the A511 has been exceeded and the additional traffic associated with the development will only worsen this impact and result in more congestion and delays. Congestion and delays would also be experienced on other highways as vehicles avoid the A511.
	The access into the site would be better placed further down Corkscrew Lane towards Packington and Leicester Road which benefits from a crossroads and would encourage some vehicles to turn left towards Leicester Road. This would be a safer option as the amount of traffic is reduced and it would disperse traffic from the development sites reducing additional congestion on the A511.
	The width of Corkscrew Lane towards the junction of Leicester Road is of an insufficient width to accommodate large vehicles and therefore a height restriction barrier needs to be installed to prevent such movements.
	The signalisation of the crossroads between Corkscrew Lane and the A511 will result in vehicles 'rat-running' through Farm Town where the highways are narrow and not suitable for large vehicles, are not well lit and do not benefit from many passing places. This will therefore result in detriment to pedestrian and highway safety.
	I would agree with the suggestion of making the junction of Corkscrew Lane with the A511 into a left only turn towards the M42 to discourage vehicles travelling towards Farm Town.

	Vehicles should be prevented from turning left off the A42 into the highway towards Farm Town to prevent 'rat-running'.
	The submitted transport assessment makes no attempt to deliver opportunities for cyclists and pedestrians to and from the site with the highways around the site subject to accidents and incidents which discourage the use of cycles.
	There are no walking and cycling facilities which directly link Coalville and Ashby De La Zouch which should be provided given the size of these settlements and that the development is seeking to encourage the movement of employees in an unsustainable location.
Landscape and Visual	The proposed development is on higher land than that associated with 'G-Park' and will have a considerable adverse impact on the landscape given the height of the building proposed.
Drainage and Flood Risk	There is insufficient capacity within the sewer in Farm Town to accommodate foul drainage associated with a development of this scale.
	There is flooding issues associated with the sewer in Farm Town from surface water runoff.

A representation has also been received from Ashby Civic Society objecting to the application on the following summarised grounds:

- The proposed development would result in the loss of farmland and greenfield land which would be to the detriment of residents with the application site being outside of the defined Limits to Development;
- The development is not necessary as the employment figures for the District have been met and there is an insufficient workforce to fill the low grade vacancies which would be created;
- The use of Corkscrew Lane and local highways by heavy goods vehicles (HGVs) and employee vehicles will render such highways impossible for use by local residents. The traffic generated by the development and that of G-Park will also increase congestion;
- The A511 is already over capacity so the proposed development will impact adversely on the highway network with the proposed signalisation of the junction on the A511 resulting in gridlock;
- The application makes false statements in relation to the amount of landscaping which would be provided given the amount of built form shown on the plans; and
- The design of the buildings will be of detriment to visual amenity and out of keeping with the character and appearance of the area. They would also not be reflective of the interesting and historic buildings in Ashby De La Zouch.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 48, 49, 50 and 55 (Decision-making);
Paragraphs 56, 57 and 58 (Planning conditions and obligations);
Paragraphs 85, 87, 88, 89 and 94 (Building a strong, competitive economy);
Paragraph 96 (Promoting healthy and safe communities);
Paragraphs 109, 110, 113, 114, 115, 116, 117 and 118 (Promoting sustainable transport);
Paragraphs 124, 125 and 129 (Making effective use of land);
Paragraphs 131, 135, 136, 137, 139 and 140 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 193, 195, 196, 197, 198, 199, 200 and 201 (Conserving and enhancing the natural environment);
Paragraphs 202, 207, 208, 210, 212, 213, 214, 215, 216 and 218 (Conserving and enhancing the historic environment); and
Paragraphs 222 and 225 (Facilitating the sustainable use of minerals).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of 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 IF1 – Development and Infrastructure;
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 En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Leicestershire Minerals and Waste Local Plan (2019)

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policy is relevant to this application:

Policy M11: Safeguarding of Mineral Resources.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

National Design Guide

North West Leicestershire Air Quality Supplementary Planning Document – October 2023.

Leicestershire Highways Design Guide (Leicestershire County Council).

The Community Infrastructure Levy Regulations 2010.

The Conservation of Habitats and Species Regulations 2017.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

Natural England - advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites – March 2022.

National Forest Guide for Developers and Planners.

5. Assessment

Approach to Determination and Principle of Development

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 (2021) (adopted Local Plan) and the adopted Leicestershire Minerals and Waste Local Plan (2019) (adopted LMWLP).

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 the most important for determining the application are out-of-date, granting planning permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

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 195 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.

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.”*

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 Paragraph 12 of the NPPF), 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 Local Plan is up-to-date.

The application site lies outside the Limits to Development as defined by the Policies Map to the adopted Local Plan and so is not identified for any particular purpose (or any specific use).

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

Policy Ec2 (subsection (2)) provides that *“Where evidence indicates an immediate need or demand for additional employment land (B1 [now under E(g)], 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 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.”*

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) of Policy Ec2(2) would also be met).

In terms of the interpretation of ‘*immediate*’, ‘*need*’ and ‘*demand*’ the Council’s Planning Policy and Land Charges Team has stated these to be as follows:

- ‘*Immediate*’ – in this context can be interpreted as meaning ‘arising now’.
- ‘*Need*’ – correlates to a policy requirement identified through the plan-making process to ensure that the future needs of an area are adequately addressed.
- ‘*Demand*’ – could be in the form of a request from potential future users or could be to address a gap in the supply of premises in the District. In other words, it relates to ‘market demand’.

The policy requires need **or** demand to be demonstrated (**officer emphasis**); it is not necessary to demonstrate both.

Should Policy Ec2 be satisfied (and, hence, the *principle* of development element of Policy S3 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) 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...*
- ...(vi) *The proposed development is accessible, or will be made accessible, by a range of sustainable transport."*

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

Insofar as the issue of demonstrating an immediate or demand is concerned, it is considered as follows:

Need for Strategic Warehousing

The Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study (2025) provides an up-to-date assessment of the need for strategic warehousing in the Leicester and Leicestershire area. The study was jointly commissioned by the Leicester and Leicestershire authorities. It provides an assessment of the need for additional strategic warehousing in Leicester and Leicestershire for the period 2024 - 46, and proposes how that need could be distributed ("apportioned") to different locations within the partnership area. The study will be part of the evidence base for the Leicester and Leicestershire authorities' respective Local Plans. It does not, however, set policy; that is a matter for each authority's Local Plan.

The study finds that there is a need for some 3.06 million square metres (sqm) of strategic warehousing in Leicester and Leicestershire for the 22-year period 2024 - 46. This figure is in addition to sites which already have planning permission. The study apportions the need figure to locations in Leicester and Leicestershire including North West Leicestershire. The table below shows this apportionment for North West Leicestershire, adjusted to the proposed end date of the new Local Plan (2042).

North West Leicestershire apportionment (2024 – 20242)

Location	Floorspace
M1 J23a / J24; A50 J1	728,673 sqm
Bardon (J22)	93,109 sqm
M42 / A42 J11, 12, 13	269,345 sqm
Total	1,091,127 sqm

The study has been published as evidence principally to support the preparation of Local Plans. Its findings have not yet been tested through an independent Local Plan Examination or at appeal. Whilst its specific findings about the scale of the need and its recommendations concerning the apportionment may be challenged, it would seem reasonable to take the position that:

- Across Leicester and Leicestershire there will be a need for additional strategic warehousing;
- The scale of that need is likely to be substantial; and
- Some of the need should be met in North West Leicestershire.

In respect of c) above, the study prescribes a proportion of the identified need to the A42 / M42 corridor in which the application site is situated.

With respect to need, the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study's findings point to there being future need for additional strategic warehousing in North West Leicestershire and along the M42 / A42 corridor specifically. However, the study identifies that there are sites with planning permission in Leicester and Leicestershire which form a supply in the shorter term. The study's findings provide evidence of need but are not considered to demonstrate an immediate need under the terms of Local Plan Policy Ec2(2).

New Local Plan

The Council is in the process of preparing a new Local Plan for the period 2024 – 42. The Council's Local Plan Committee considered a report on the subject of strategic warehousing at its meeting on the 19th of November 2025. This report presented the findings of the study (as described above), and the Committee agreed in principle a number of strategic warehousing sites (including the application site) for inclusion in the Regulation 19 version of the new Local Plan. The decision took account of the findings of the study and assessments of candidate strategic warehousing sites from the Strategic Housing and Employment Land Availability Assessment and subsequent Call for Sites.

Applicant's Assessment of Strategic Warehousing Demand

The application is an outline application, with part access for approval, for employment development totalling 46,451 square metres for either general industry (Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) and / or storage or distribution (Class B8), with ancillary offices (use class E(g)(i)). During the course of the application, it has been outlined that the intended occupant of the site would be DHL Real Estate Solutions (DHL RES), the development arm of the DHL Supply Chain, who would operate a storage or distribution use (Class B8).

Information submitted in support of the application as originally submitted was insufficient to demonstrate an immediate demand for the proposed employment development in the District which could not be met on other allocated sites.

The application has been amended to now propose a unit which would be specifically to meet the requirements of DHL RES.

Further information to address the demand for the proposed development comprises:

- (i) An Alternative Sites Assessment (ASA) (of May 2024);
- (ii) DHL RES covering letter (dated 15th April 2024);
- (iii) DHL RES Strategy and Benefits Questions and Answers (Q&A); and
- (iv) An indicative masterplan (an image of which is in the '*Proposals and Background*' section of this report above).

The DHL RES letter supplements an earlier letter of support (dated 29th February 2024) and includes the following key points:

- (a) *DHL RES's proposed facility at Corkscrew Lane, if permitted, will not result in the closing / relocation of other DHL premises in the district;*
- (b) *There are no other suitable sites which meet DHL RES's immediate requirement;*
- (c) *DHL RES's need is immediate and will result in significant investment in the district; and*
- (d) *Should this application be refused, the DHL RES requirement will have to be met elsewhere outside the district due to the immediacy of the need.*

Additional points in the DHL strategy note (relevant to the consideration of the application) include:

- (a) DHL RES and its customer require buildings that meet the highest level of sustainability to meet DHL's Go Green Targets. There is no available stock that meets this requirement;
- (b) DHL RES has secured a purchase agreement (subject to planning); and
- (c) DHL RES would be willing to accept a condition on any outline permission granted that restricted the size of the unit to 40,000 square metres plus.

In respect of the 'immediate demand' test in Policy Ec2(2), the DHL RES letter confirms that the firm has a clear interest to locate to the application site and has signed a purchase agreement to that effect. DHL RES will potentially occupy the whole site (up to 46,451 square metres). DHL RES say they need the site "without delay". This is specific evidence of demand at the application site, and it is considered that this aspect of the policy is met.

In circumstances where an immediate demand (or need) is demonstrated, Policy Ec2(2) further requires demonstration that the demand cannot be met from land allocated in this plan. In response, the applicants have submitted an Alternative Sites Assessment (ASA).

The ASA submitted by the applicant's describes DHL RES's site requirements as follows:

- (a) *Site Area / Parking* – minimum available developable area of 25 acres / 10 hectares allowing for 40,000 square metres as a single footprint, plus space for a service yard, and a need for 110+ heavy goods vehicle (HGV) parking spaces and 350+ staff parking spaces;
- (b) *Height* – ability to deliver a unit(s) of 22 – 23 metres to the ridge (at least 18 metres internal clearance);
- (c) *Access* – proximity to the Strategic Road Network (SRN), being within 1000 metres of an 'A' road or motorway for operational use and staff access;
- (d) *Availability* – the site must be available for development to commence in quarter 1 or 2 2027 and be ready for occupation in 2029; and

The ASA also outlines that the site would ideally be within close proximity of the A42 and A511 which offer strong strategic road network connections to north, south, east and west (this being outlined at Paragraph 3.2 of the ASA).

For the purposes of assessment, the ASA considers:

- (a) Sites identified in the adopted Local Plan (Policies Ec1 and Ec2);
- (b) Sites proposed in the new Local Plan Regulation 18 consultation document for both general need and strategic B8; and
- (c) Sites with planning permission / current planning applications.

Such sites are assessed using a Red Amber Green (RAG) rating of four criteria ((a) site area / parking, (b) height, (c) access to the SRN and (d) availability) with the following sites being dismissed at the initial assessment stage:

- (i) Land north of Ashby De La Zouch (Money Hill) (red rating for (b) and amber ratings for (a) and (d));
- (ii) Land at Sawley Crossroads, Sawley (red ratings for (a) and (b) and amber rating for (d));
- (iii) St Modwens (Land South of Junction 1 of the A50), Castle Donington (red rating for (b) and amber rating for (a));
- (iv) Netherfields Lane, Sawley / Hemington (red ratings for (a) and (d) and amber rating for (b));
- (v) Land west of Hilltop Farm, Castle Donington (emerging plan (EMP) allocation 89) (red ratings for (a) and (b) and amber ratings for (c) and (d));
- (vi) Land north of Derby Road, Kegworth (EMP73a) (red ratings for (b) and (d) and amber rating for (a));

- (vii) Land north of Derby Road, Kegworth (EMP73b) (red ratings for (b) and (d) and amber rating for (a)); and
- (viii) Land to the east of Midland Road, Ellistown (EMP24) (red ratings for (a) and (b) and amber ratings for (c) and (d)).

Four sites were shortlisted for more detailed assessment being:

- (i) Land south of East Midlands Airport, Castle Donington / Diseworth (EMP90);
- (ii) Land to the north of Junction 11 of the A/M42 (EMP82);
- (iii) G-Park, Ashby De La Zouch (former Lounge Disposal Point); and
- (iv) Land at Corkscrew Lane, Ashby De La Zouch (the application site).

The detailed assessment of these sites is as outlined in the ASA.

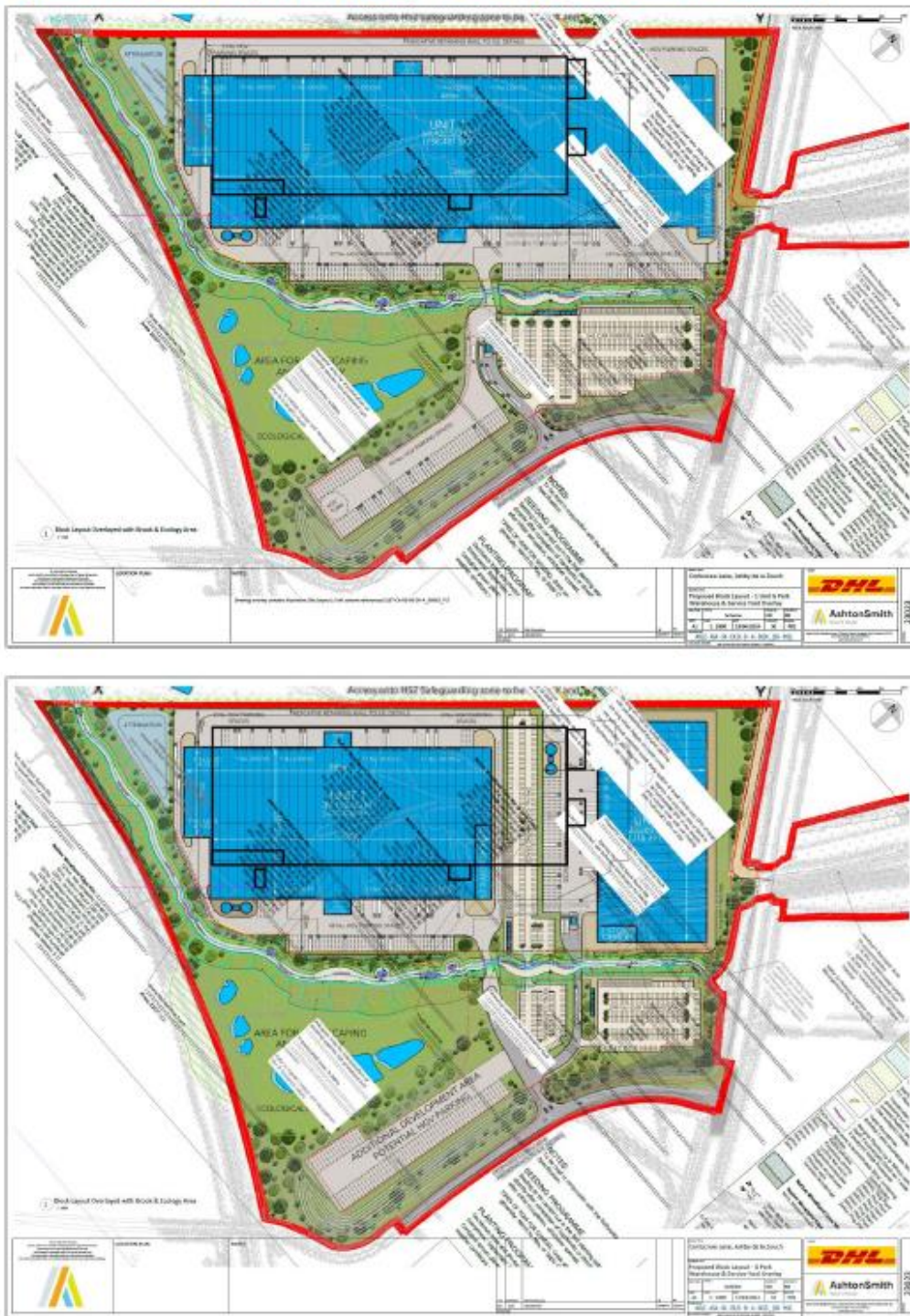
For the G-Park site, the ASA states the following:

“The G-Park site is not suitable for the DHL RES requirement on the basis that:

- (i) The DHL RES Requirement cannot be met at G-Park. The requirement would need to be compromised (i.e. amended and reduced) resulting in the need not being fully fulfilled.*
- (ii) The G-Park development zones, placing HGV parking to the south of the main development plot to maximise the building footprint to the north within Zone 1 would not meet the known DHL RES Requirement of 110+ HGV parking spots on plot.*
- (iii) The G-Park site is a unique opportunity in NWL to deliver a single unit of up to 70,000 square metres, with significant upsides in waiting for this requirement to come forward (for both the promoter and the district).*
- (iv) The DHL RES Requirement of 40,000 square metres plus significant yard would result in a sterilisation of the remainder of the G-Park site (see Figure 7.6) that would result in the effective loss of designated employment floorspace and the ineffective use of the G-Park site in the region of 20,000 square metres, with both the single unit and two unit G-Park schemes clearly not compatible with the DHL RES Requirement.”*

Figure 7.6 referred to in the ASA is shown in the image below on the following page.

Figure 7.6 DHL RES Requirement overlay of G-Park (single and two unit schemes)



The ASA concludes that:

“While G-Park is acknowledged as being able to theoretically accommodate the DHL RES Requirement, the assessment is clear that the bespoke DHL RES Requirement could not be met on the site without compromise, which would also sterilise circa 20,000 sqm of employment floorspace and lose a unique opportunity to deliver a single 70,000 sqm unit in NWL.

The ASA has reviewed all allocated, emerging and available sites within NWL and concludes that there are no sites that are suitable within the district that are capable of realistically accommodating

the DHL RES Requirement and as such, policy is clear that NWL should support the application to which this ASA supports.”

Officers' Assessment of Applicant's Submission

Whilst Policy Ec2(2) does not require an applicant to consider non-Local Plan sites (for example sites / locations proposed for Employment Allocations in the new Local Plan for both general need and strategic B8 and / or sites with planning permission), officers' advised the applicants that the availability or otherwise of reasonable alternative sites may be relevant when assessing the degree of harm (if any) of the proposal.

In respect of sites / locations proposed for Employment Allocations in the new Local Plan (for both general need and strategic B8 and / or sites with planning permission), the ASA sets out various reasons to discount such sites. Overall, officers accept that these sites are at an early stage in the plan making process and that, at the point of determining this application, they do not have sufficient certainty to be regarded as available alternatives.

With regards to sites with planning permission, the ASA has rejected the St Modwens site south of J1 of the A50 (19/01496/OUTM and 24/00074/REMM) given that buildings would be subject to a maximum ridge height of 18 metres which is below the requirement of DHL RES (of 23 metres). The site at Netherfields Lane (20/00316/OUTM and 22/00954/REMM) is discounted as the largest building has a floor space of 31,773 sqm which again would be below the requirement of DHL RES (40,000 sqm+). Officers accept, therefore, that these sites are not reasonable alternatives.

In terms of allocated sites there are four sites to consider:

- (a) Rear off Charnwood Arms, Bardon (Policy Ec1b);
- (b) Money Hill, Ashby De La Zouch (Policy Ec2);
- (c) Land at Sawley Crossroads, Sawley (Policy Ec1c); and
- (d) Former Lounge site (now G-Park), Ashby De La Zouch (Policy Ec1a).

Officers' assessment of these sites is as follows:

- (a) This site is not of a sufficient size and there is an extant permission to use the site for the owner's business (22/00954/REMM);
- (b) This site is not sufficiently advanced through the planning process to meet an 'immediate demand';
- (c) The site at Sawley crossroads has recently been granted planning permission for a single unit of some 59,910 sqm (24/01200/FULM). The approved site layout plan shows 491 car parking spaces and 129 HGV spaces. The site is in a well-connected location with excellent connections to M1 J24 and A50 J1. Whilst not located on the A42, the site has reasonable connections to it via J23a of the M1. The applicants have not provided any information about the suitability or otherwise of the Sawley site to meet DHL RES's requirements. The floorspace of the Sawley unit is some 29% greater than that proposed on the application site. The scheme modestly exceeds DHL RES's requirements for HGV parking. DHL RES have previously stated that its site would ideally be within close proximity of the A42 and A511 which offer strong strategic road network connections to north, south, east and west (Paragraph 3.2 of the applicant's ASA). Whilst this site is adjacent to the A50, it is poorly related to the A511; additionally, DHL RES's requirement for a smaller unit and significantly less car parking would sterilise the site. Based on the information available, it is unlikely that it could be successfully argued that the Sawley site is a realistic alternative for DHL RES;
- (d) The reasons for the ASA rejecting this site are outlined above. In summary, DHL RES's stated requirements cannot be accommodated without adjustments to the scheme and / or sterilisation of the G-Park site.

In further discussions with the applicant the following information was submitted:

Applicant's Alternative Sites Assessment (October 2024 Update) and Development Layout Plan for Unit 1 G-Park Warehouse & Service Yard Overlay

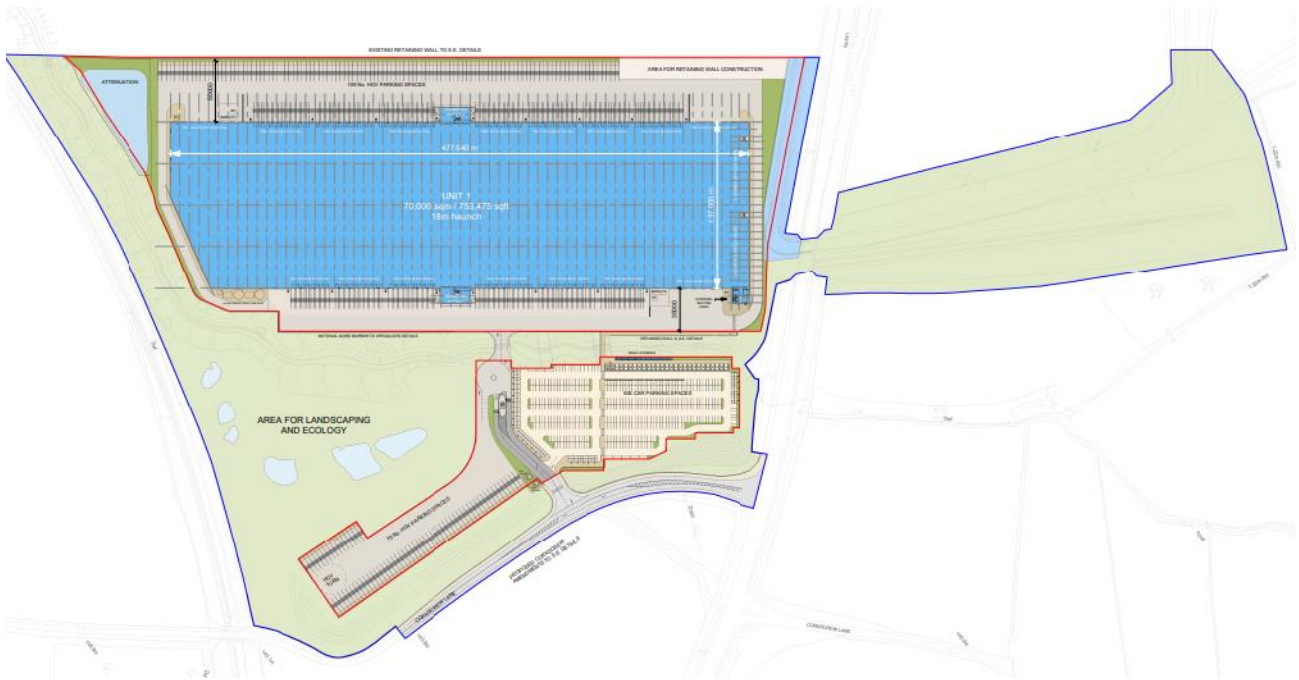
Development Layout Plan for 1 Unit G Park Warehouse & Service Yard Overlay

The updated Alternative Sites Assessment (USA) reports that the test scheme would compromise DHL RES's requirements to an unacceptable level for the following reasons:

Officer's Assessment of Applicant's Updated Assessment

a reserved matters application has recently been submitted (25/01411/REMM) for the erection of a 70,000 sqm B8 unit on the G-Park site. The submitted site plan (as shown in the below image) shows 506 car parking spaces and 179 HGV parking spaces, with the supporting documentation not suggesting there is a named end user. The unit proposed under 25/01411/REMM is nearly 51% larger than the unit proposed on the application site, and therefore suggests that from the perspective of the G-Park landowners a smaller unit on that site to meet DHL RES's requirement would have resulted in the sterilisation of the remainder of the site. On this basis officers are satisfied that G-Park is no longer considered to provide a realistic alternative to the proposals for the application site.

Site Layout Plan for G-Park Development (25/01411/REMM)



New Local Plan

The application site is one of a number of sites which have been agreed for allocation in the Regulation 19 version of the new Local Plan for strategic warehousing, subject to the outcome of transport modelling, viability assessment and infrastructure requirements (as per the Local Plan Committee of the 19th November 2025 referred to above).

The proposed allocations have not been tested through the independent Examination process, and are at an early stage in the Local Plan process. Ordinarily, having regard to Paragraph 49 of the NPPF, site allocations at this stage would be given only limited weight in the determination of an application.

Nonetheless, as outlined above, the Leicester & Leicestershire Strategic Distribution Floorspace Needs Update and Apportionment Study reveals a need for additional strategic warehousing of a very significant scale and recommends that a substantial proportion of this should be met in North West Leicestershire, including along the M42 / A42 corridor. Officers in the Council's Planning Policy and Land Charges Team have assessed all the realistic candidate sites along the M42 / A42 as part of the new Local Plan process and have identified the application site as one which is suitable for allocation.

Furthermore, the site has been subject to detailed assessment through the planning application process and (as set out in more detail within the relevant sections of this report below) this indicates that there are no technical constraints to development which cannot be overcome through mitigation.

In summary (and subject to more detailed assessments elsewhere within this report):

- 1) There is a substantial future need which will necessitate the development of suitable sites in North West Leicestershire.
- 2) The application site has been tested alongside the other reasonable candidate sites as part of the Local Plan process and has been found by officers to be suitable.
- 3) There are no technical barriers to the site's development which cannot be acceptably mitigated.

These factors are considered to be material to the determination of the application.

Need or Demand for Additional Employment Land and New Local Plan Conclusion

Paragraph 85 of the NPPF (2024) indicates that planning decisions should “*help create the conditions in which businesses can invest, expand and adapt*” and that “*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*”

Criterion (e) of Paragraph 86 of the NPPF indicates that planning policies should “*be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.*” This stance is also reflected in Policy Ec2(2) of the adopted Local Plan.

Work on the new Local Plan shows a direction of travel in terms of how the Leicester & Leicestershire Strategic Distribution Floorspace Needs Update and Apportionment Study's findings could be addressed. Officers' assessment of the application site compared with other candidates suggests it is suitable for allocation and this assessment has been affirmed by the Local Plan Committee (19 November 2025). As above, therefore, subject to the details of the scheme being acceptable, it is considered that it would be unreasonable to resist development on this site and, if permitted, the site would contribute towards the need identified in the study.

In respect of the adopted Local Plan as already demonstrated, an *immediate demand* for additional floorspace has been demonstrated that cannot be met at other allocated sites. The proposals are therefore considered to meet this element of Policy Ec2(2).

In such circumstances there is a need to assess the schemes performance against criteria (a), (b) and (c) within Ec2(2) and this is assessed in the ‘*Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan*’ section of this report below. This is with the exception of criterion (b), which is assessed in the ‘*Accessibility*’ section of this report, and criterion (c) (insofar as it relates to residential amenity) which is assessed in the ‘*Residential Amenity*’ section.

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 124). 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 the assessment of alternative allocated sites above), it is accepted that the scheme would not be unacceptable in this regard.

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.

The site lies outside the 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(2), 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)).

It is also necessary to consider the proposal's compliance with criteria (i) to (vi) within Policy S3 and this is undertaken in the following section of this report.

Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan

Criterion (i) of Policy S3

- (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.*

Criterion (c) of Policy Ec2(2)

- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.*

For the reasons as outlined in the '*Landscape and Visual Impact*' section of this report below, it is considered that the proposed development would not impact adversely on the appearance and character of the landscape.

On this basis the proposed development would be compliant with criterion (i) of Policy S3 of the adopted Local Plan.

Criteria (ii) and (iii) of Policy S3

- (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*
- (iii) It does not create or exacerbate ribbon development.*

The application site lies within the Parish of Coleorton but is significantly detached from the linear settlement comprising Coleorton which is to the east. The settlement of Ashby De La Zouch is to the north-west, the settlements of New Packington and Packington are to the west / south-west, the settlement of Farm Town is to the east, and the settlements of Sinope, Ravenstone, Swannington, and Coalville are to the east / south-east.

Whilst the proposed development would be located on undeveloped land between these settlements, the application site is severed from the settlement of Ashby De La Zouch by the presence of the A42, from New Packington and Packington by the presence of a railway line and from Farm Town and Coleorton by the presence of the A511 (Ashby Road). Separation distances are more significant (being in excess of 1,000 metres) to the settlements of Sinope, Ravenstone, Swannington, and the western edges of Coalville with the alignment of the A511 to the southern site boundary placing the settlements of Sinope, Swannington, and Coalville on the opposite side of the A511 to the application site.

Given the placement of the development in relation to the neighbouring settlements, and the 'barriers' which would separate the application site from such settlements, it is considered that the '*physical*' separation between settlements would not decrease. It is also concluded, in the '*Landscape and Visual Impact*' section of this report below, that the visual effects of the development would be localised and consequently it is considered that the '*perceived*' separation between settlements would not be diminished.

On the basis that any impact would not undermine the physical ***and*** perceived separation (***officer emphasis***) and open undeveloped character between nearby settlements it is considered that there would be no conflict with criterion (ii).

With regards to criterion (iii), the Planning Portal defines 'ribbon development' as "*development, usually residential, extending along one or both sides of a road but not extended in depth*" with the dictionary definition being "*the building of houses along a main road, especially one leading from a town or village.*" By strict definition the proposal would not be in conflict with criteria (iii), as the development is not residential. It is also considered that it would not represent a continuation of development out of a town or village given the separation of the site from the settlement of Ashby De La Zouch, which lies on the opposite side of the A42, as well as the separation from other settlements in the area.

On the basis of the above there would be no conflict with criterion (iii) of Policy S3.

Criterion (iv) of Policy S3

(iv) Built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate.

The application site is bound by the A511 (Ashby Road) to the east, Corkscrew Lane to the north and west (beyond which is the consented G-Park development (19/00652/FULM)), and a railway line to the south-west.

When accounting for such existing development, as well as proposed development in the form of G-Park and its associated parking, it is considered that the proposed built development would be well integrated with existing development and consequently would not conflict with criterion (iv) of Policy S3.

Criterion (v) of Policy S3

(v) The development will not seriously undermine the vitality and viability of existing town and local centres.

Whilst offices (under use class E(g)(ii)) would be classed as a main town centre use, and therefore expected to be directed toward the closest Town Centre / Primary Shopping Area, it is noted that the offices proposed as part of the application would be ancillary to the primary use of the unit under either use class B2 or B8 and therefore it would be unreasonable to redirect the office space to the closest Town Centre / Primary Shopping Area. A condition would be imposed on any permission granted to enforce that the offices are used as ancillary to the principal use of the unit.

It is also noted, in any event, that offices are now excluded from the need for an impact assessment to the vitality and viability of the town centre to be undertaken under Paragraph 94 of the NPPF. Overall, and taking into account the ancillary nature of any offices, it is considered that no conflict with criterion (v) of Policy S3 arises.

Criterion (vi) of Policy S3

- (vi) *The proposed development is accessible, or will be made accessible, by a range of sustainable transport.*

Criterion (a) of Policy Ec2(2)

- (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.*

It is considered that both criterion (vi) of Policy S3 and criterion (a) of Policy Ec2(2) seek to secure the same requirement, being that new development is either accessible, or can be made accessible, by sustainable transport modes.

Insofar as public transport is concerned, whilst Ashby De La Zouch is well served by buses, officers are of the opinion that the site itself is not currently well served, with the closest pair of bus stops being a considerable distance from the site on either Upper Packington Road or Leicester Road. In terms of pedestrian and cycle connectivity, there is no pedestrian footway which exists along the length of Corkscrew Lane nor the A511 (Ashby Road). A pedestrian footway exists along the north-eastern side of Leicester Road, New Packington but this terminates at the junction with Corkscrew Lane.

Notwithstanding this, for the reasons as discussed in the '*Transport Sustainability*' sub-section of the '*Accessibility*' section of this report below it is considered that subject to the imposition of conditions, and securing of relevant contributions (as discussed in the '*Developer Contributions and Infrastructure*' section of this report below) the proposed development would be compliant with criterion (vi) of Policy S3 and criterion (a) of Policy Ec2(2).

In the above respect a Public Transport Strategy (PTS) would be secured, along with bus passes, travel packs, and an occupier specific travel plan which would be based against the submitted Framework Travel Plan (FTP). Financial contributions would also secure the appointment of a Travel Plan Co-ordinator and a fee for the monitoring of the occupier specific travel plan.

The securing of such measures would result in the delivery of bus provision to the site as well as the encouragement of the use of other forms of transport than the private car with cycling being considered a viable means of transportation from Ashby De La Zouch (if accessing the site from the south-west via Leicester Road and Corkscrew Lane).

Overall Conclusion in Relation to Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan

Paragraph 87 of the NPPF outlines that planning decisions should recognise and address the specific locational requirements of different sectors, including making provision for (amongst other things):

"storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation." (criterion b))

It is concluded above that the proposal would not conflict with criteria (i) to (vi) of Policy S3 of the adopted Local Plan, nor criteria (a) and (c) (insofar as it relates to the 'wider environment') of Policy Ec2(2). The assessment of criterion (c) of Policy Ec2(2) (insofar as it relates to 'residential amenity') is undertaken within the '*Residential Amenity*' section of this report below, and where it is concluded that no significantly adverse impacts would arise. The assessment of criterion (b) of Policy Ec2(2) is undertaken in the '*Accessibility*' section of this report below, and where it is again concluded that no adverse impacts would arise.

The proposal is also considered compliant with the aims of Paragraph 87 of the NPPF.

Other issues associated with the development are assessed in more detail in the relevant sections of this report below.

Landscape and Visual Impact

Criterion (i) of Policy S3 of the adopted Local Plan (2021) outlines that development outside of the defined Limits to Development will be supported where the appearance and character of the landscape is safeguarded and enhanced. Criterion (c) of Policy Ec2(2) requires employment development to not be detrimental to the wider environment.

Paragraph 187 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application which has been subject to review by a Landscape Consultant appointed by the Council (Council's Landscape Consultant).

The Council's Landscape Consultant has outlined that the landscape of and around the site is generally rural, pleasant and undulating to the north-east, east and south, with medium to large sized arable fields and blocks of woodland. However, the local landscape is also affected by some detracting features including the A511 (Ashby Road), and its traffic, as well as the adjoining site to the west (associated with the G-Park development – 19/00652/FULM) where development has been undertaken including earthworks and the formation of the vehicular access. The A42 lies around 800 metres to the north-west and marks the existing edge of Ashby De La Zouch in the direction of the site, however the road is tree lined and runs in a cutting along this section so neither the A42, or the urban area of Ashby De La Zouch, have any significant visibility from the area around the site. Land between G-Park and the A42 was previously subject to a safeguarding direction associated with HS2 East (formerly HS2 Phase 2b) but this has subsequently been lifted.

In terms of Landscape Character Effects, the LVIA concludes that the site would be located within the '*Enclosed Farmlands*' landscape type (as defined by the Charnwood Forest Landscape and Character Assessment (2008)) and that a sensitivity study undertaken by Gillespies for the Council as part of the new Local Plan evidence base concludes that the site is of 'low to medium' landscape sensitivity to commercial development. Notwithstanding this, the LVIA has undertaken a separate appraisal based on the specific type of development proposed which has also concluded that the application site is 'low to medium' in sensitivity.

The assessment of the impacts to the '*Enclosed Farmlands*' landscape type would be 'minor adverse' at year 1, reducing to 'negligible to minor adverse' in the longer term at year 15. The significance of such effects to the landscape character, when accounting for the loss of the agricultural land use and its replacement with commercial development, would be 'moderate adverse' at completion (year 1) reducing to 'minor adverse to moderate adverse' at year 15.

With regards to Visual Effects, the LVIA concludes that views of the site, as well as views of the development, may occur from a relatively wide area but would generally be lower-level effects in terms of the magnitude of impact and significance of the effect. Locations immediately adjacent to the site which have the highest impact and effect, both at completion and residually at year 15, are generally limited to the routes of Corkscrew Lane and the A511 and whilst there is a higher effect such receptors are judged as medium sensitivity receptors. The LVIA also outlines that the proximity of these receptors to the proposed development would inevitably lead to greater impacts.

Several public rights of way (PRoWs) in the immediate landscape have a range of impacts and effects with these being lower in locations to the south, where landform and vegetation around

Breach Hill Farm form a greater level of screening. This contrasts with PRowWs to the north, where more elevated positions west of Farm Town enable more direct views.

In the wider landscape, and notwithstanding the 'theoretical visibility', the LVIA concludes that the proposed development would be screened or not be prominent in wider panoramas and as such the visual effects would be far lower even where the proposed development might be visible. On this basis the LVIA determines that only limited effects on local visual amenity would arise, with any notable effects limited to locations on or immediately adjacent to the site.

The context of the application site is as shown in the below images, with such assessment of the context needing to account for the delivery of employment development on the adjacent G-Park site.

Site Context





The Council's Landscape Consultant has outlined that in terms of the potential landscape and visual effects it is relevant to note the following:

- (i) The site is not particularly prominent, and is enclosed to some degree by rising ground and trees alongside the A511 to north and east, woodland to the south and the A42 and trees alongside it (beyond the adjacent development site) to the west. However, the proposed building would be large and locally very visible, and would have the potential to appear discordant within what is at the moment a largely rural landscape.
- (ii) The site is around 800 metres from the A42 and the urban edge of Ashby De La Zouch beyond it, though the G-Park development site lies within that intervening land. The indicative masterplan for the G-Park development shows a single large building in the north-western part of the site, aligned parallel to and alongside the A42, with heavy goods vehicle (HGV) and car parking areas in the eastern part of the site, and a planted bund between the site and Corkscrew Lane.

In reviewing the applicant's LVIA, the Council's Landscape Consultant has highlighted the following:

- (i) The Gillespies assessment seems to be of the site itself (rather than of the site and the landscape around it) and could have been somewhat higher if it has been of the wider local landscape. This is due to the site and surrounding area being largely pleasant and rural, and while the nearby roads have some influence, the A42 is generally screened from the site, and the G-Park site is set at a lower level.
- (ii) In places the LVIA overstates the influence of the G-Park development on local landscape character given that the G-Park proposals indicate that any new building would be over 180 metres from the nearest part of the application site and would be screened to some extent by the planted bund along the eastern G-Park boundary (other than at the point of access into the G-Park development).
- (iii) The LVIA (at section 3.67) notes that the finished floor levels (FFLs) of the G-Park development would be 134.75 to 135.75 metres above ordnance datum (AOD), with a building height of 23 metres. This would result in a maximum ridge height of 158.75 metres. On the basis of the amended plans the FFL of the proposed building would be 146.60 metres AOD (with a margin of +/- 2 metres) and therefore the overall building height would be a minimum of 167.60 metres AOD and maximum of 171.60 metres AOD (based on a height of 23 metres). The building would therefore have the potential, if the higher FFL was selected, to be in excess of 10 metres higher than the G-Park development (the building would still be in excess of 8.5 metres higher even if the lower

- FFL was selected).
- (iv) Following a site visit, the Council's Landscape Consultant is of the view that the landscape of and around the site should be assessed as being of higher sensitivity, probably up to medium. On this basis the magnitude of change (given the scale of the proposed building) to the local landscape should also be greater than medium, with landscape effects therefore being higher than moderate adverse.
 - (v) Given the height of the proposed building (23 metres) it would not be fully screened after 15 years given that any new planting would probably be no taller than 7 to 10 metres by that time.
 - (vi) No consideration is given to night time effects – the area of and around the site is not specifically sensitive in terms of dark skies (with the G-Park development introducing new light sources) but the proposals would involve new light sources extending out into the countryside for around 350 to 450 metres to the south-east of Corkscrew Lane, and there would be some significant adverse effects in that regard.

In concluding the Council's Landscape Consultant considers that the LVIA has understated the landscape and visual effects, and even if the assessment of the LVIA was accepted it shows that there would be a degree of long term landscape harm and consequently the landscape would not be safeguarded or enhanced, there would also be detriment to the wider environment. On this basis there would be a degree of conflict with Policies S3 and Ec2(2) of the adopted Local Plan.

A revised LVIA (RLVIA) was subsequently submitted by the applicant following the amendments to the scheme which outlined that DHL Real Estate Solutions (DHL RES) would be developing the site.

The amendments have resulted in the building being set further from the western side of the site, but this in turn has pushed the building closer to the eastern side of the site where it would run close to the A511 for a distance of over 300 metres.

Following a review of the RLVIA, the Council's Landscape Consultant considers that the resultant landscape and visual effects would be at the same level as those associated with the original scheme. This is due to the fact that whilst there would be some reduction in the effects to the west, these would likely increase to the east. The Council's Landscape Consultant also considers that the National Forest planting to be delivered on the opposite side of the A511 is divorced from the site and consequently would not really assist in mitigating the impacts. Such planting should therefore not be considered to be a significant benefit in relation to mitigating the landscape and visual effects.

A further perspective viewpoint has been provided by the applicant to demonstrate the visual impacts of the development, and this is shown in the image below.

Perspective Viewpoint Image



The applicant has also outlined that a review of the levels has enabled it to be established that the building would have a maximum height of 168.9 metres AOD and that a 4.9 metre high bund would also be created at the southern end of the site. The formation of the bund, combined with the proposed 'cut and fill', would result in the building only projecting 15.7 metres above the perceived ground level at the southern end of the site. It has also been confirmed that the tree planting to be incorporated as part of the development, which would be considered as part of the landscaping reserved matter, would largely comprise woodland planting.

Whilst the Council's Landscape Consultant considers that woodland planting would be appropriate for the purposes of screening it remains the case that, due to the height of the building, such planting would not be able to provide a complete screen even in the long term. Also, as the perspective viewpoint is not a verified photomontage its interpretation of the visual impact should also be treated with caution.

Overall, whilst the Council's Landscape Consultant has not undertaken their own LVIA their view is that in year 1 the impact to landscape character would be moderate to major adverse reducing to some extent after 15 years to moderate adverse.

Even if the position of the Council's Landscape Consultant was accepted, it is considered that given the mitigation proposed and the limited viewpoints from where a 'significant' effect would be experienced it would remain reasonable to argue that (to a significant degree) the appearance and character of the landscape would be 'safeguarded.' However (and notwithstanding the proposed landscaping), it would seem difficult to conclude that the appearance and character of the landscape would (as required by the policy) also be *enhanced*.

Overall, it is officers' view that the proposal would accord with the aims and intentions of criterion (i) of Policy S3 and criterion (c) of Policy Ec2(2).

Agricultural Land Quality

Policy En6 of the adopted Local Plan (2021) provides that development should avoid any unacceptably adverse impact upon soils of high environmental value, and explanatory Paragraph 5.26 of the adopted 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 187 of the NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising 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 65 to Paragraph 188 of the NPPF suggests that *"where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality."* BMV agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

An Agricultural Quality (AQ) report has been submitted which identifies that the quality of the agricultural land is 46% Grade 2 (BMV), 47% Subgrade 3a (BMV) and 7% subgrade 3b (not BMV). The overall site area is 11.5 hectares.

The Grade 2 land broadly corresponds to soils identified as "loamy", the Grade 3a land to soils identified as "coarse loamy soils with moderately high topsoil stone content" and "sandy clay loam soils with imperfect drainage", and the Grade 3b land to soils identified as having "high topsoil stone content."

Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude

of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. In this instance the impact of the development is related to 10.7 hectares of BMV and therefore is below the threshold of 20 hectares.

Agricultural Land Quality Conclusion

Whilst the irreversible loss of higher quality agricultural land would weigh against the proposals in terms of the environmental objective of sustainable development, it is considered that the quantum involved would not, overall, be considered unacceptable when weighed against all other material considerations.

Means of Access, Highways and Transportation

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment and incorporates safe and accessible connections to the transport network to enable travel choice. Policy IF7 requires that development incorporates adequate parking provision.

As part of the consideration of the application the County Highways Authority (CHA) and National Highways (NH) have been consulted with the consultation response from the CHA accounting for the advice within the Leicestershire Highways Design Guide (LHDG).

The application is an outline application with only part access, being the principal access into the site from Corkscrew Lane, sought for approval at this stage.

As originally submitted the application was supported by a Transport Assessment (TA), containing a Stage 1 Road Safety Audit (RSA) and Designers Response (DR), and Framework Travel Plan (FTP). Highway Technical Notes (HTNs) (containing a revised Stage 1 RSA and DR) have subsequently been submitted following consultation responses from the CHA and NH.

Site Access

The development site would be accessed from Corkscrew Lane which is an unclassified road subject to the national speed limit and a 7.5 tonne weight restriction, the application site also shares a boundary with the A511 (Ashby Road).

Corkscrew Lane joins the A511 as the minor arm of a ghost island priority-controlled T-junction. The A511 is part of the Major Road Network (MRN) and is also subject to the national speed limit.

Originally the access design proposed a ghost right turn access arrangement off Corkscrew Lane but this has subsequently been removed from the proposals given that, in the view of the CHA, it was not justified given that the majority of the traffic, and all of the heavy goods vehicles (HGVs), would route towards the site from the A511 and therefore the movement into the site would be a 'left turn'.

As proposed the site access would have a width of 7.3 metres for a distance of in excess of 35 metres with 15 metre radii either side. Such access geometry complies with the LHDG. The Corkscrew Lane carriageway within the vicinity of the site would also be widened to 7.3 metres, which would be via a combination of work undertaken by the applicant as well as work undertaken by the development of the G-Park site (as permitted under application reference 19/00652/FULM). The submitted access drawings also show how the proposed access would interact with that associated with the consented G-Park development.

In addition to the above, a central refuge would be provided which would connect a short section of proposed footway on the other side of Corkscrew Lane to enable pedestrian connectivity to the G-Park site. The central refuge accords with the LHDG.

Whilst some third party representations have commented that the access would be better positioned on Corkscrew Lane so as to be closer to the junction with Leicester Road, as this would encourage vehicles to turn left towards Leicester Road, the application is to be assessed on its own merits, and the CHA have no objections to the proposed access. Notwithstanding this, employee vehicles and smaller commercial vehicles would still have the ability to turn left out of the site and utilise Leicester Road, but HGVs would be restricted given the weight restriction which would remain in force on Corkscrew Lane between the site access and the junction with Leicester Road. Thereby some vehicular movements to and from the site would likely be distributed towards Leicester Road.

Conversely some third party representations (as well as Ashby De La Zouch Town Council) have commented that vehicles turning left out of the site towards Leicester Road should be prevented and that a height restriction barrier is put in place on Corkscrew Lane given the insufficient width of the highway. In these respects, the weight restriction which would remain in place on Corkscrew Lane (following its relocation) would result in HGVs being directed towards the A511 (Ashby Road) and therefore there would be no requirement for a height restriction barrier at the Leicester Road junction, nor is one required by the CHA. A condition preventing vehicles turning left out of the site would also be unreasonable and unnecessary to make the development acceptable in planning terms and therefore would fail the tests for conditions as outlined at Paragraph 57 of the NPPF.

Overall, the part access sought for approval is acceptable to the CHA.

Visibility

The submitted drawings demonstrate visibility splays of 4.5 metres by 128.8 metres in a northern direction and 4.5 metres by 117.7 metres in a southern direction which would be contained upon land either in the control of the applicant or within the highway boundary. Such visibility splays are provided following a speed survey which recorded 85th percentile speeds of 44.7mph southbound and 45.9mph northbound.

The visibility splays to be delivered are acceptable to the CHA.

Swept Path Analysis

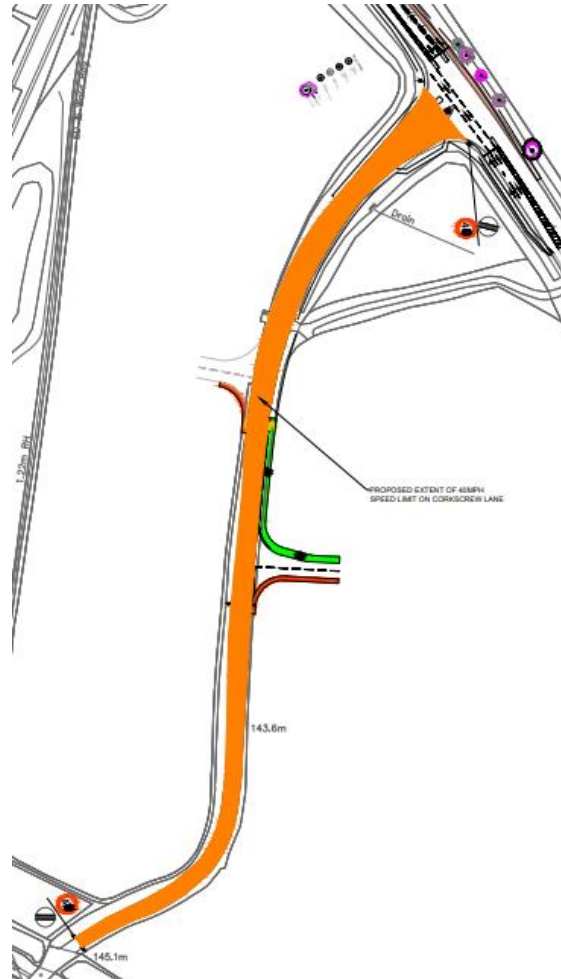
It is demonstrated on the submitted drawings that satisfactory space for an 18.5 metre articulated HGV (the new max legal length of an articulated HGV) movement to and from the north (and simultaneously occurring) as well as a 7.5 tonne box van to and from the south (and simultaneously occurring) can be undertaken.

The swept paths are therefore acceptable to the CHA.

Stage 1 Road Safety Audit and Designer's Response

The Stage 1 (RSA), and associated DR, consider the proposed site access as well as the proposed signalisation of the junction of the A511 with Corkscrew Lane. Most of the issues within the Stage 1 RSA would be dealt with by the CHA as part of the Section 278 detailed design process under the Highways Act 1980 (as amended) which would be undertaken separately outside of the planning process. The only issue which required addressing as part of the access proposals was the reduction in the speed limit to 40mph on both the A511 (from the roundabout junction with the A42 to just beyond the junction with Corkscrew Lane) and part of Corkscrew Lane. This is as shown in the image below.

Extent of 40mph Speed Limit on Corkscrew Lane

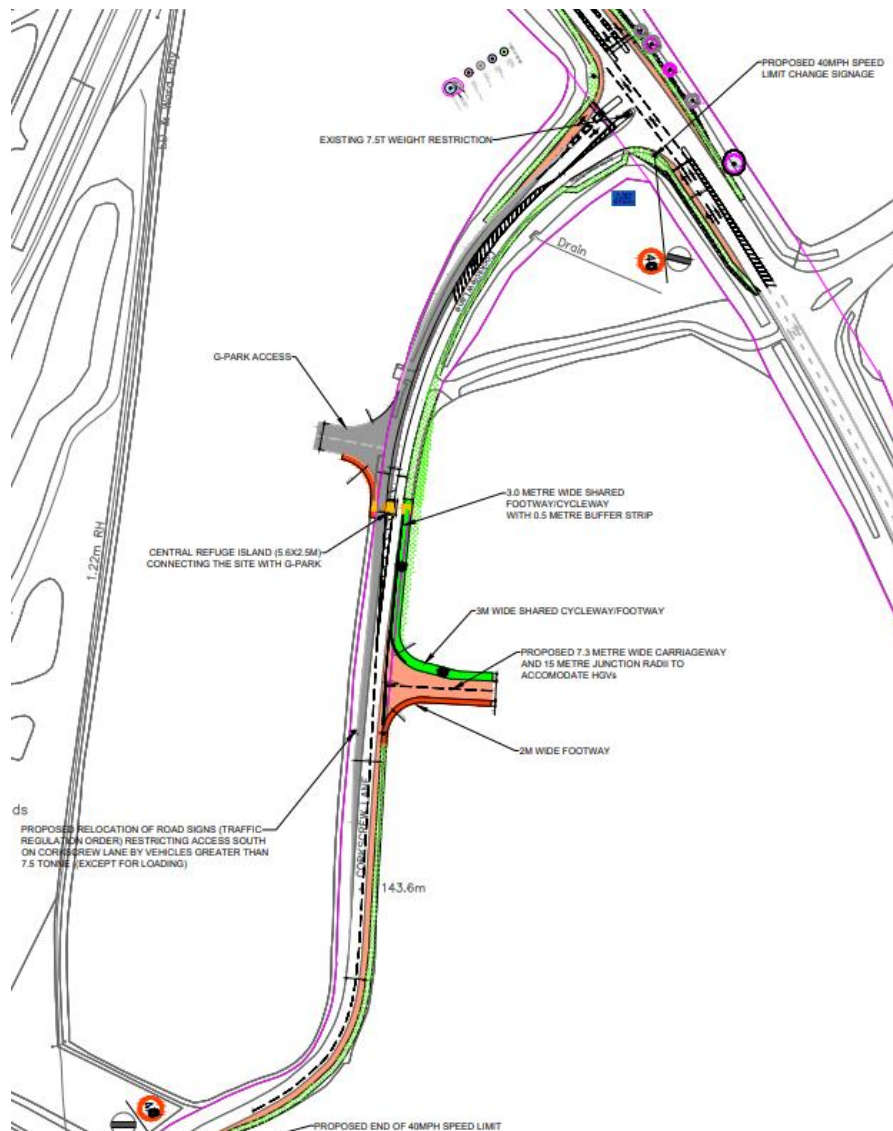


The relocation of the speed limit is acceptable to the CHA and would be subject to a Traffic Regulation Order (TRO) for such works to be undertaken which would incur a fee of £7,500.00, this is as discussed in the 'Developer Contributions and Infrastructure' section of this report below.

Weight Restriction

As is outlined above Corkscrew Lane is subject to a weight restriction, and the proposed development would seek to relocate this weight restriction which is acceptable to the CHA. This is as identified in the image below. As is the case above, a TRO would be required with this being included in the fee of £7,5000.00 associated with the relocation of the speed limit signs. A plan showing the proposed location of the weight restriction sign is shown on the following page.

Proposed Location of Weight Restriction Sign on Corkscrew Lane



Existing advanced directional signs on the A511 detailing the weight limit in its current location would also be required to be relocated along with the directional signs located opposite the junction.

Overall, the CHA is satisfied with the proposed site access, which is the part access sought for approval at this stage.

Highway Safety

Within the submitted TA it is outlined that the applicant has obtained Personal Injury Collision (PIC) data from the CHA which includes an assessment of those junctions which have been subject to junction capacity assessments as well as an additional radius of 500 metres.

The CHA is satisfied that the applicant's assessment is robust, and it is considered that the proposed development would not exacerbate the likelihood of further such incidents occurring given that a safe and suitable access design for all users has been demonstrated.

Trip Generation, Distribution and Assignment

The submitted HTN has outlined that the proposed development would generate 131 vehicle trips in the AM peak period (08:00 to 09:00) and 140 vehicle trips in the PM peak period (17:00 to 18:00) and the CHA has confirmed that such an assessment of trip generation is acceptable.

In terms of the trip distribution and assignment, the TA has replicated the information from the G-Park development which was based on the existing turning movements at the Corkscrew Lane / A511 junction and Junction 13 of the A42. Given the location of the development, the CHA and NH are satisfied that the use of such data is acceptable.

With regards to the staff modal split, the applicant has outlined that a travel plan would be utilised as a means of allowing monitoring against relevant targets.

The CHA has no objections to the assessments undertaken in relation to the trip generation, distribution and assignment and would seek the imposition of a condition on any outline permission granted to secure an occupier specific travel plan. NH also has no objections.

Junction Capacity Assessments

The submitted TA determined that there would be a material increase in traffic on Corkscrew Lane to the north of the proposed site access junction, at the junction of Corkscrew Lane with the A511, and then along the A511 to Junction 13 of the A42. As such an assessment of the following junctions was undertaken:

1. Proposed site access junction;
2. Proposed G-Park / Corkscrew Lane junction;
3. Corkscrew Lane / A511 junction; and
4. Junction 13 of the A42.

The assessment of such junctions took into account the following committed developments:

1. G-Park (19/00652/FULM);
2. Arla Dairies (16/00275/OUTM); and
3. Money Hill (15/00512/OUTM).

Such an approach to the assessments is considered acceptable to the CHA.

The conclusions of the TA are that both the proposed site access and the proposed G-Park / Corkscrew Lane junction (which is now built) would operate within capacity and therefore no specific mitigation is necessary for these junctions.

Corkscrew Lane / A511 Junction

In terms of the Corkscrew Lane / A511 junction, the TA concludes that in the future year without the development scenario this junction would operate significantly over capacity with the TA summarising that:

“In the future, as traffic volumes increase, along the A511 and on Corkscrew Lane, the junction would be overcapacity. Vehicles seeking to exit Corkscrew Lane would be unable to find suitable gaps in traffic passing along the A511, resulting in large queues and very lengthy delays. These conditions, which will be experienced by the G-Park traffic, could introduce road safety problems, as drivers frustrated by waiting gamble on inadequate gaps in the passing traffic.”

The applicant has therefore proposed a mitigation scheme which would seek to signalise this junction which is discussed further in the 'Off-Site Highway Works' sub-section below. The CHA is satisfied that such works would provide a significant improvement on the existing performance of this junction.

Junction 13 of the A42

The TA concluded that no improvements were necessary to this junction, however the CHA undertook a revised assessment and determined that the development would reduce capacity at this junction in the AM peak period (08:00 to 09:00). The CHA's revised assessment determined that there was scope to reduce the delay and achieve more capacity by changes to the timings of the signal controls. On this basis the CHA has outlined that a financial contribution of £12,760.00 would be required, which is discussed in the 'Developer Contributions and Infrastructure' section of this report below.

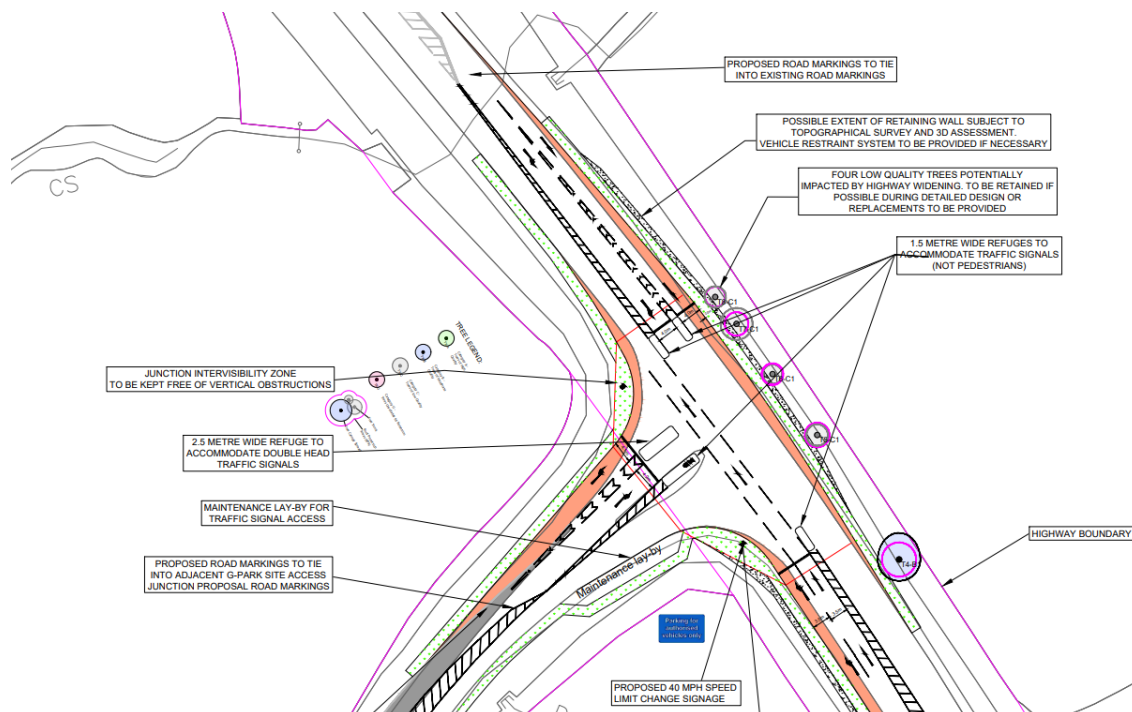
Overall, the CHA and NH are satisfied with the junction capacity assessments undertaken.

A financial contribution would also be secured within the Section 106 agreement for the Interim Coalville Transport Strategy (ICTS) which would be based on a contribution of £53,083.00 per hectare (i.e. £610,454.50 in this instance - £53,083.00 x 11.5 hectares (which excludes the site area associated with the potential foul drainage connection to Farm Town). This would further mitigate the impacts to the highway network around the application site.

Off-Site Highway Works

As is outlined in the 'Junction Capacity Assessments' sub-section above, the junction of Corkscrew Lane with the A511 would become signalised. This is as shown in the image below:

Corkscrew Lane Junction with A511 – Signalisation Scheme



The CHA has ensured that the tracking for the junction utilises an 18.5-metre-long articulated HGV and accords with the guidance of the LHDG, consequently it is acceptable.

In addition to the junction signalisation, the proposed development would also result in the closure of two existing field accesses which is welcomed by the CHA. The CHA is also satisfied that the proposed development would not significantly affect trees within the ownership of Leicestershire County Council.

Subject to the imposition of conditions on any outline permission granted the CHA are satisfied with the off-site highway works.

Whilst concerns are raised that the signalisation of the junction will result in 'rat-running' through Farm Town, as well as via Corkscrew Lane and Leicester Road, this is not evidenced with the conclusions of the CHA being that the performance of the junction would be significantly improved. In such circumstances the use of Farm Town Lane or Leicester Road would not be seen as advantageous in avoiding congestion given the length of the diversion and the nature of these highways. The signalised junction is also before the left turn junction of Corkscrew Lane with the A511 (Ashby Road), connecting to Farm Town Lane, and therefore vehicles directing towards Farm Town would again not be seen as advantageous. Additionally, the part of Corkscrew Lane which connects with Farm Town is subject to a weight restriction, as is the junction of The Moorlands with the A511.

A condition preventing vehicles from turning left out of the junction of Corkscrew Lane with the A511 (Ashby Road) would also not be necessary to make the development acceptable in planning terms given that this is not a requirement of the CHA. It is also the case that the imposition of such a restriction would also be unreasonable given that travelling left along the A511 would provide convenient and more direct access to the M1 (South) from the application site.

Internal Layout

Under this outline application only part access is sought for approval, being the principal means of vehicular access into the site from Corkscrew Lane, with all other matters reserved for subsequent approval should outline permission be forthcoming. The CHA has outlined that the parking for cars, light goods vehicles (LGVs) and HGVs should accord with the LHDG, both in terms of the number of spaces and space size and layout requirements. Vehicle swept path analysis would also need to be provided to demonstrate that suitable turning space is available within the site, and that the proposed spaces can be used such that no reversing or parking would be undertaken upon the internal highway or the public highway.

Informatives could be included on any decision notice to advise of the need for the applicant to comply with these requirements.

Transport Sustainability

The CHA has reviewed the submitted FTP and consider it acceptable as:

1. The FTP provides a basic background of the development site which includes location plan, description of the proposed development, and forecasted trip generation;
2. Existing travel infrastructure and services nearby to the site have been clearly identified and detailed;
3. Identification, roles and responsibilities of the Travel Plan Co-ordinator have been detailed, including the arrangements to continue to meet the plans targets and deliver the plans benefits well into the future e.g. annual monitoring report every 12 months for a 5 year period; and
4. Specific, Measurable, Achievable, Realistic and Time Bound (SMART) target outputs and

outcomes have been listed with relevant milestones and deadlines to measure progress, including the creation of a Bike User Group (BUG) and promotion of the cycle to work scheme.

The FTP also makes reference to the Public Transport Strategy (PTS) secured by condition in respect of the G-Park site with the TA stating that:

“There are no footways in the vicinity of the site and only a small population within walking distance. Bus stops are remote. However, a condition can be added to any planning consent requiring a Public Transport Strategy to be derived in advance of occupation of the development. Such a condition was applied to the G-Park consent and G-Park will introduce bus services that can be used by its employees. Those same buses, enhanced as necessarily through the Public Transport Strategy, will also serve the proposed development’s employees.

A condition will also be required to ensure that each occupier provides and operates a Travel Plan, in accordance with the Framework Travel Plan, that accompanies the application. The Framework Travel Plan includes various measures such as the appointment of Travel Plan Co-ordinators, provision of travel packs and bus passes to employees. The conditions requiring the Public Transport Strategy and Travel Plans are required to make the development acceptable and ensure that the opportunities for sustainable transport have been taken up.”

The CHA has advised that the PTS would be secured by condition with the bus passes, travel packs, travel plan co-ordinator and a travel plan monitoring fee being secured in a legal agreement. This being discussed in the ‘Developer Contributions and Infrastructure’ section of this report below.

It is also the case that the Council is aware of the Ashby Business Improvement District (BID) hopper bus service which has a trial run from the end of November 2025 for an initial period of 3 months (based on current funding) with there being the potential that this service (if maintained) could connect employees to and from the site to Ashby De La Zouch I. An informative could be imposed on any outline permission granted to make the applicant aware of this service so that the matter can be explored further at the time any application is submitted to discharge the PTS condition. Any financial contribution required for the service could also be negotiated by the applicant with the Ashby BID outside of the planning process.

For their part NH has confirmed that they are satisfied with the approach to improving the sustainability of the site location.

Concerns have been raised by third parties and the Parish / Town Councils in relation to the proposed development not delivering opportunities for cyclists and pedestrians to access the site, and that a pedestrian / cycle network between Coalville and Ashby De La Zouch would not be delivered.

As is outlined above, the CHA and NH are satisfied that the imposition of a condition requiring the provision of a PTS and occupier specific travel plan, as well as obligations to appoint a travel plan co-ordinator and securing a travel plan monitoring contribution, would be sufficient in improving the sustainability of the site location.

In terms of cycling and walking access, the Council is working with Leicestershire County Council (LCC) on the Local Cycling and Walking Infrastructure Plan (LCWIP) which has the aims of increasing mobility by means of sustainable transport methods and which links jobs and communities together.

Although the LCWIP identifies the creation of a 4.5 kilometre link between Coalville and Ashby De La Zouch (ref: A-C03 and C-C04) it states that such a link is “*considered unlikely to be feasible.*” This is due to safety concerns around segregated infrastructure, and the high level of cost (in the region of £2.57 to £3.68 million) when accounting for the creation of a traffic free route in the fields adjacent to the A511, the need for landowner consent and the likely ecological barriers.

Even if the route was considered feasible, a detailed design review has not been undertaken to establish the costs involved. It would be necessary for the costs to be established to subsequently determine the types of developments which may contribute towards such costs, as well as the level of contribution which may be attributed to an individual application.

At present, therefore, there is no committed cycling (or walking) scheme in place which the development could contribute to.

On this basis it is considered unreasonable to impose a condition which would require the creation of pedestrian and cycle connectivity between Coalville and Ashby De La Zouch given that such a condition would not be necessary to make the development acceptable in planning terms. Therefore, such a condition would not meet the tests outlined at Paragraph 57 of the NPPF.

It is also the case that the development on the former Lounge Disposal Point (G-Park) was not required to provide, or contribute to, the creation of cycling and walking infrastructure between Coalville and Ashby De La Zouch.

Notwithstanding the above, it is considered that cycle connectivity to the site from Ashby De La Zouch would still be achievable if accessing the site from the south-west via Leicester Road and Corkscrew Lane.

Means of Access, Highways and Transportation Conclusion

Paragraph 116 of the NPPF outlines that development should only be refused on highway grounds where *“there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

In the circumstances that there are no objections to the application from the CHA or NH, subject to the imposition of conditions and securing of relevant contributions, it is considered that the part access sought for approval would comply with criterion (b) of Policy Ec2(2) and Policy IF4 of the adopted Local Plan as well as Paragraphs 115, 116 and 117 of the NPPF.

Compliance with Policy IF7 and Paragraphs 112, 113, and 114 of the NPPF would be demonstrated at the reserved matters stage(s), should outline permission be granted, given that layout and the internal access arrangements are reserved for subsequent approval.

Design

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.

Part (4) of Policy En3 of the adopted Local Plan outlines that new development within the National Forest is appropriately related to its setting within the National Forest, respects and does not adversely affect the character and appearance of the National Forest or the wider countryside, and that the character of the National Forest is enhanced through incorporating a National Forest or locally inspired identity.

It is noted that layout, appearance, scale, landscaping and internal access(es) are reserved for subsequent approval and consequently the only matter to be considered as part of this outline application is the provision of the part access into the site from Corkscrew Lane.

However, as part of the consideration of the application the Council's Urban Designer has reviewed

the submitted Design and Access Statement (DAS) and considers that the elevational information provides confidence that a suitably designed scheme could be delivered subject to the design detailing which would be considered as part of the 'appearance' of the unit. How the boundaries would work is also of importance, as well as the approach to the landscaping of the site and the use of the attenuation basins as a means of providing an attractive external space for staff.

Given the visibility of the proposed development it would also be important to ensure that the unit is designed and orientated in a manner which satisfactorily addresses the streetscape whilst also ensuring that off-street parking does not dominate the frontage of the unit, i.e. the off-street parking for cars and the potential service and lorry parking areas should be kept separate. Such an approach would respond to the Council's aspirations for the design of built development, as outlined in Policy D1 of the adopted Local Plan and the Council's adopted Good Design SPD.

In terms of settling the building into the landscape, it is considered that it would be important at the reserved matters stage(s), should outline permission be granted, to ensure that an appropriate earthworks strategy is followed to lessen the overall visual impact given the height of the unit proposed.

For their part the National Forest Company (NFC) would seek to ensure that the commitment to a landscape-led approach to the design and the creation of a National Forest character is realised through the reserved matters application(s) which could potentially be achieved with the submission of a statement indicating how any development progressed at the reserved matters stage(s) complies with the DAS submitted in support of the outline application.

Policy D1 subsection (2) identifies that development should positively address the Council's Place Making principles (and, in particular, in terms of the greener footprint criterion), with subsection (5) specifying that new development should have regard to sustainable design and construction methods. Paragraph 164 of the NPPF stipulates that new development should be planned in a way *"which helps to reduce greenhouse gas emissions, such as through location, orientation and design."*

The submitted DAS includes a section on Sustainability (Section 8.0) which sets out features to ensure the design of the development is energy efficient prior to the incorporation of low and zero carbon energy sources. The DHL Real Estate Solutions (RES) 'Strategy and Benefits' document also specifies that DHL RES require buildings that meet *"the highest level of sustainability to meet DHL's Go Green targets."* The illustrative layout also indicates the potential for solar panels to be delivered on the building.

As an outline application with only part access for approval the scheme is not sufficiently advanced to understand the energy efficiency measures which would be incorporated into the design and construction of the development. On this basis a condition would be imposed on any outline permission granted which would require the reserved matters application(s) to be accompanied by details which outline the energy efficiency, as well as the renewable energy technologies, which would be incorporated into the design and construction of the building in line with the requirements of DHL RES. As a development on a greenfield site, and in line with other employment developments delivered outside the defined Limits to Development, it is also reasonable for the proposed development to achieve compliance with a minimum Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of 'Excellent.'

Design Conclusion

Overall, and from an 'in principle' perspective, it is considered that at the reserved matters stage(s) it could be ensured that the appearance, layout and scale associated with the development responds positively to the design principles outlined in Policies D1 and En4 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 131 and 135 of the NPPF.

Residential Amenity

Policy D2 of the adopted Local Plan (2021) outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents. Criterion (c) of Policy Ec2(2) requires new employment development to not be detrimental to the amenities of nearby residential properties. Paragraph 198 of the NPPF requires development to be appropriate for its location.

The two nearest residential receptors to the application site are Gamekeepers Cottage, Corkscrew Lane, which is located 176 metres to the north-west of the site, and Cornworthy, Corkscrew Lane, which is located 311 metres to the south-west of the site.

Physical Development Impacts

In terms of the impacts on neighbouring occupiers arising from the proposed building, whilst an illustrative masterplan has been submitted all matters except for the principal means of vehicular access into the site are reserved for subsequent approval. The parameters plan indicates that the proposed building would have a maximum height of 23 metres.

A topographical survey submitted in support of the application outlines that land levels slope significantly down from south-east to north-west from a high point of over 150 metres above ordnance datum (AOD) down to below 140 metres AOD. The parameters plan indicates that the finished floor level of the building would be 146.60 metres AOD (with a margin of +/- 2 metres).

It is noted that the groups of trees and woodland adjacent to the A511 have overall heights of between 11 and 12 metres and those to the south-western boundary are 6 metres in height. The landscaping parameters plan also identifies that planting embankments and additional soft landscaping infrastructure would be delivered as part of the development.

Notwithstanding the anticipated scale of the unit, it is considered that in principle a form of development could be provided on the site which would not result in undue loss of amenity by virtue of overshadowing, overbearing or other residential amenity impacts particularly given the separation distances to the nearest residential receptors. A condition requiring details of the precise finished floor and ground levels to be submitted as part of a reserved matters application(s) would enable an assessment of the impacts arising to be undertaken in detail and ensure that suitable relationships are established. Therefore, and as set out above, there is no reason to suggest that the eventual form of development proposed at the reserved matters stage(s) would necessarily result in undue loss of amenity to neighbouring residential properties, and the scheme is, at this outline stage, considered acceptable in this regard.

Other Residential Amenity Impacts

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, vibration, dust and fumes which is as outlined in Part 2 of Policy D2 of the adopted Local Plan.

Paragraph 201 of the NPPF outlines that the focus of planning decisions “*should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*”

An acoustics assessment (AA) has been submitted in support of the application which seeks to establish the potential impact new sources of sound, of a commercial and / or industrial nature, would have on existing residential dwellings within the vicinity of the site. The three sensitive receptors identified in the AA are:

- Noise Sensitive Receptor (NSR) 1 – Cornworthy, Corkscrew Lane;
- NSR2 – Gamekeepers Cottage, Corkscrew Lane; and
- NSR3 – Breach House and Wheatcroft, Leicester Road.

The AA has reviewed the noise chapter associated with the Environmental Statement (ES) for the development consented to the north of the site (known as the G-Park development on the former Lounge Disposal Site – 19/00652/FULM) which undertook sound level measurements at the nearest NSRs to that development which included NSR1 and NSR2. Based on the measured background sound levels at the nearest NSRs, operational noise was limited to ensure that any operations undertaken at the G-Park development would not lead to adverse impacts to the NSRs. In this respect the lowest calculated sounds at NSR1 and NSR2 during the daytime and night-time were 41 decibels (dB) and 39 dB at NSR2 with the overall conclusion being that the noise impact would be low.

The AA has accounted for the distance to the NSRs, and when combined with the G-Park development has determined that the operational noise level at the site boundaries could not exceed 58dB if the NSRs are to be protected from the operational element of the proposed development.

It is noted that since the time of the AA planning permission has been granted for the conversion of an agricultural building to a residential dwelling at Breach Farm on Leicester Road (application references 22/01762/FUL and 23/01045/VCU) with this property being known as Woodland Barn, Corkscrew Lane (with reference to Corkscrew Lane being determined by the means of vehicular access to the property). Whilst this is the case such an NSR would have a relationship with NSR3 and would be further from the application site than NSR1 and NSR2, consequently it is considered there would be no material differences to the findings of the AA was it to include this receptor.

At the time the AA was undertaken it had not been determined what the use of the site would be given that the application proposes uses under use class B2 (general industrial) or B8 (storage or distribution). On this basis the AA undertook an assessment associated with service yards which are principally connected with B8 uses. External operations within a service yard are likely to be the dominant source of noise when compared with operations undertaken in a warehouse or industrial premises. Whilst, as a result of the site being developed for DHL Real Estate Solutions (DHL RES), the description of development has not been amended to exclude reference to B2 uses, there is a degree of certainty that the use to be undertaken at the site would be B8.

Following a review of similar proposals, the AA has determined that operations within a service yard would generate a sound level of 60dB at a distance of 1 metre from the service yard boundary. On this basis if a service yard(s) was to be located close to the site boundaries the operational noise limit of 58dB would be exceeded (by 2dB). However, this exceedance is minimal and the AA outlines that standard close boarded, imperforate timber fencing would provide enough attenuation to mitigate this impact and ensure that the limit of 58dB would not be exceeded.

The AA acknowledges that the calculations undertaken are indicative and based on a number of assumptions when accounting for the layout being reserved for subsequent approval and the precise use of the building not being determined (albeit as outlined above the occupation by DHL RES would likely determine the use would be B8). Although this is the case, the AA is considered to be robust enough to demonstrate that noise in connection with the development would not result in adverse impacts to the NSRs. It does, however, recommend that a further AA is undertaken when the layout becomes finalised. In this circumstance a condition can be imposed on any outline permission

granted which requires a further AA as part of the reserved matters application(s) associated with the layout to ensure that operational noise impacts are appropriately mitigated (if required).

The AA has also reviewed the potential impact arising from Development Generated Road Traffic Noise (DGRTN) as a result of the development being occupied. In this regard the AA determines that the short term impact of DGRTN would be negligible in both directions on the A511 (Ashby Road) and a minor impact on Corkscrew Lane. In the long term the impact would be negligible to both the A511 and Corkscrew Lane.

It is, however, outlined in the AA that the Design Manual for Road and Bridges (DMRB) guidance states that a long-term impact should be undertaken for the 15th year after opening whereas the AA has been based on traffic flow data for the 3rd year after opening. Whilst the outcome, in the 3rd year, would not result in a significant impact to residential receptors, the AA advises that a more detailed assessment accounting for the DMRB should be undertaken at the reserved matters stage(s). The AA requested by condition on any outline permission granted could account for the DMRB.

No representation has been received from the Council's Environmental Protection Team disputing or disagreeing with the conclusions of the AA and therefore, subject to the imposition of relevant conditions, the proposed development would not result in adverse noise impacts to residential amenity.

The AA does not identify any vibration impacts and the Council's Environmental Protection Team have not made any comments in respect of this matter. Vibration impacts would be further considered at reserved matters stage when details of the building's scale and design would be known.

To ensure that construction activity is undertaken at reasonable times a condition limiting the hours of construction would be imposed on any outline permission granted, with separate legislation (such as the Control of Pollution Act 1974 (as amended)) controlling issues arising from other construction activity.

With regards to any external lighting to be installed on the site it is considered that the imposition of a condition on any outline permission granted would ensure that precise details are provided at an appropriate time and which would demonstrate that no adverse impacts to residential amenity arise as a result of the provision of such lighting. This would also include a condition preventing any lighting during the construction stage unless details of such construction lighting are first agreed.

Residential Amenity Conclusion

In conclusion, the provision of the principal means of vehicular access into the site would not result in significant detriment to residential amenity, subject to the imposition of conditions, and therefore the proposed development would be compliant with Policy D2 and criterion (c) of Policy Ec2(2) of the adopted Local Plan and Paragraphs 198 and 201 of the NPPF.

Air Quality

Policy D2 of the adopted North West Leicestershire Local Plan seeks to (amongst others) ensure that adverse effects of development on residents' amenities is minimised (and including in respect of pollution).

Policy En6 of the adopted Local Plan requires developments which are within or close to an Air Quality Management Area (AQMA) to be accompanied by a detailed investigation and assessment of the issues, and include appropriate mitigation measures where necessary.

Paragraph 199 of the NPPF outlines that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants (including cumulative

impacts) and that opportunities to improve air quality or mitigate impacts are identified and secured.

The application is accompanied by an Air Quality Assessment (AQA) with the Copt Oak Air Quality Management Area (AQMA), at a distance of around 10.3 kilometres, being the closest AQMA to the application site.

In terms of construction dust, the AQA outlines that due to the size of the site it is possible that the number of heavy duty vehicles visiting the site per day may exceed 50, on this basis the site would be classified as 'Large' in relation to the risk of dust being tracked out of the site. Whilst this is the case the AQA concludes that in respect of dust soiling there would be a low risk of dust annoyance with the effects of particulate matter (PM10) to health also being a low risk, this conclusion is also reached on the basis of no mitigation being present. Despite this low risk the AQA proposes mitigation measures which could be included in a dust management plan (DMP) associated with the construction of the development. The provision and subsequent implementation of a DMP would be conditioned on any outline permission to be granted.

In terms of the impacts associated with traffic emissions from the operation of the development, the AQA has concluded that for the baseline situation in 2027, the sensitive receptors adjacent to all roads have values below the current annual mean air quality objectives for Nitrogen Dioxide (NO₂) and PM10 as outlined in the Council's annual Air Quality Status Report (AQSR). The AQA also outlines that with the traffic generated by the development in 2027, the absolute concentrations remain below the current air quality objectives and that the level of change due to traffic generated by the development would be small (2 micrograms per cubic metre or less to annual mean concentration of NO₂ and PM10). On this basis the operation of the development would not have a significant impact upon local air quality. It is also outlined, within the AQA, that the ambient concentrations of local traffic emissions are predicted to be less than 75% of the air quality assessment level (AQAL) and the percentage change in concentration relative to the AQAL as a result of the development is calculated to be less than 5%. On this basis, the development's impact on local air quality would be 'Negligible'.

Although the impact is negligible, the AQA outlines mitigation measures to minimise the potential effects associated with increased air pollutant concentrations which primarily are associated with the adoption of a travel plan which could be secured via condition on any outline permission to be granted. Electric vehicle charging points could also be introduced, which would be secured via Approved Document S (Infrastructure for the Charging of Electric Vehicles) of the Building Regulations 2010 (as amended), along with cycle parking facilities.

As part of the consideration of the application the Council's Environmental Protection Team (Air Quality) has been consulted and have raised no objections to the application.

Air Quality Conclusion

Overall, and subject to the imposition of conditions on any outline permission to be granted, the proposed development would not conflict with the aims of Policies D2 and En6 of the adopted Local Plan or Paragraph 199 of the NPPF.

Ecology and Biodiversity

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2017 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

The closest statutorily designated site of nature conservation interest to the application site is

approximately 2.34km from the site (being the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)).

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.

The County Council Ecologist, in commenting on the application, has had regard to the Design and Access Statement (DAS), Preliminary Ecological Appraisal (PEA), River Mease Special Area of Conservation (SAC) Impact Assessment (Stages 1 (Screening) and 2 (Appropriate Assessment)) (RMSACIA Stage 1 (S) and RMSACIA Stage 2 (AA)) and Biodiversity Net Gain (BNG) Metric Calculations.

In terms of the PEA, the County Council Ecologist considers this to be acceptable and proportionate given the prevailing habitats and proposed development. However, whilst the established existing habitat is largely arable, the County Council Ecologist considers that the following matters would need to be addressed:

- (a) The impact on the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI); and
- (b) The presence of Great Crested Newts (GCNs).

In terms of (a), the County Council Ecologist considers that a Biodiversity Construction Management Plan (BCMP) would need to be conditioned to mitigate the impacts of construction activity associated with the development.

With regards to (b), the County Council Ecologist has identified that there is the potential for GCNs to be present within the ponds to the west of the application site as well as within suitable terrestrial habitat to the boundaries of the application site. There is evidence of an existing amphibian barrier on private land to the west of the site (within the 'G-Park' site), and whilst the ponds (outside of the site) and suitable terrestrial habitat are not proposed to be removed, there is the potential risk that GCNs may enter the site during the construction phase if no suitable mitigation is provided. On this basis a mitigation strategy in the form of a Reasonable Avoidance Measures Method Statement (RAMMS) would be conditioned should outline permission be granted. The RAMMS would be required to reconsider the risk associated with the movement of GCNs and the effect of existing artificial barriers and, if necessary, propose a new amphibian barrier within the application site to prevent the movement of GCNs onto the site during the construction phase.

The County Council Ecologist has also indicated that conditions should be imposed, should outline permission be granted, in relation to the following matters raised within section 5.0 of the PEA:

- (1) Ensuring suitable lighting strategies to safeguard potential bat foraging / commuting routes;
- (2) Preconstruction inspections for badgers;
- (3) Creation of invertebrate, small mammal and GCN / reptile hibernacula;
- (4) Avoidance of disturbance to breeding birds;
- (5) Creation of hedgehog 'highways' and access points between fencing; and
- (6) Incorporation of bird and bat boxes.

For their part Natural England (NE) has commented on the need for the integrity of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) to be preserved as part of the development and this is discussed in the '*River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment*' section of this report below. NE has no particular comments in respect of other ecological / biodiversity features.

The mandatory requirement for 10% BNG for major development as required by the Environment Act came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity. In this case it is noted that the development would be undertaken on a greenfield site.

The BNG Metric Calculation demonstrates a net gain of 13.22% for habitat units and 15.02% for hedgerow units which is acceptable to the County Council Ecologist for the purposes of the assessment of the outline application. The metric is based on the submitted information and is contingent upon an area of off-site habitat creation on land to the north of the A511 (Ashby Road) which is within the ownership of the applicant. It is outlined by the County Council Ecologist that the BNG Metric Calculation will need to be updated at the reserved matters stage(s) to reflect the proposed landscaping scheme and the proposals for off-site enhancement. The County Council Ecologist has also identified that the current BNG Metric Calculation does not take account of ditches and linear water features which would be expected to be within the 'watercourse' units of the metric. This would therefore need to be considered further at the reserved matters stage(s), should outline permission be granted, or justification provided for its omission.

The County Council Ecologist has also outlined that a Landscape, Ecological and Biodiversity Management Plan (LEBMP) should be conditioned which would include the arrangements for establishing, maintaining and managing on and off-site habitat creation.

Ecology and Biodiversity Conclusion

Overall, and subject to the imposition of relevant conditions and informatives, the part access proposed for approval at this stage would not result in conflict with Policy En1 of the adopted Local Plan, Paragraphs 187 and 193 of the NPPF and Circular 06/05.

Landscaping

Part (3) of Policy En1 of the adopted Local Plan (2021) outlines that new development will be expected to maintain landscape features (such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Part (2) of Policy En3 of the adopted Local Plan outlines that new developments within the National Forest will contribute towards the creation of the National Forest by including provision of tree planting and other landscape areas within them.

Impact to Existing Soft Landscaping Infrastructure

An Arboricultural Impact Assessment (AIA), Method Statement (MS) and Tree Protection Plan (TPP) have been submitted in support of the application, with the AIA being compliant with BS 5837:2012 '*Trees in Relation to Design, Demolition and Construction – Recommendations*'. Such documents outline that there are 13 individual trees (8 of which are rated Category B ('*moderate quality*')), 7 groups of trees (3 of which are rated Category B), 11 hedgerows (3 of which are rated Category B) and 1 woodland (which is rated Category B). It is noted that the trees and hedgerows are to the boundaries of the application site.

The AIA states that the proposed formation of the part access would result in the removal of approximately 100 metres of hedgerow H1 (rated Category B), although this loss could be compensated for by the introduction of soft landscaping elsewhere in the site. It is, however,

acknowledged that landscaping is a reserved matter and consequently such compensation would need to be demonstrated at the reserved matters stage(s). Works would also be proposed to a group of Common Sallow trees (Group G6) which comprise the removal of an eastern leaning stem which overhangs the road.

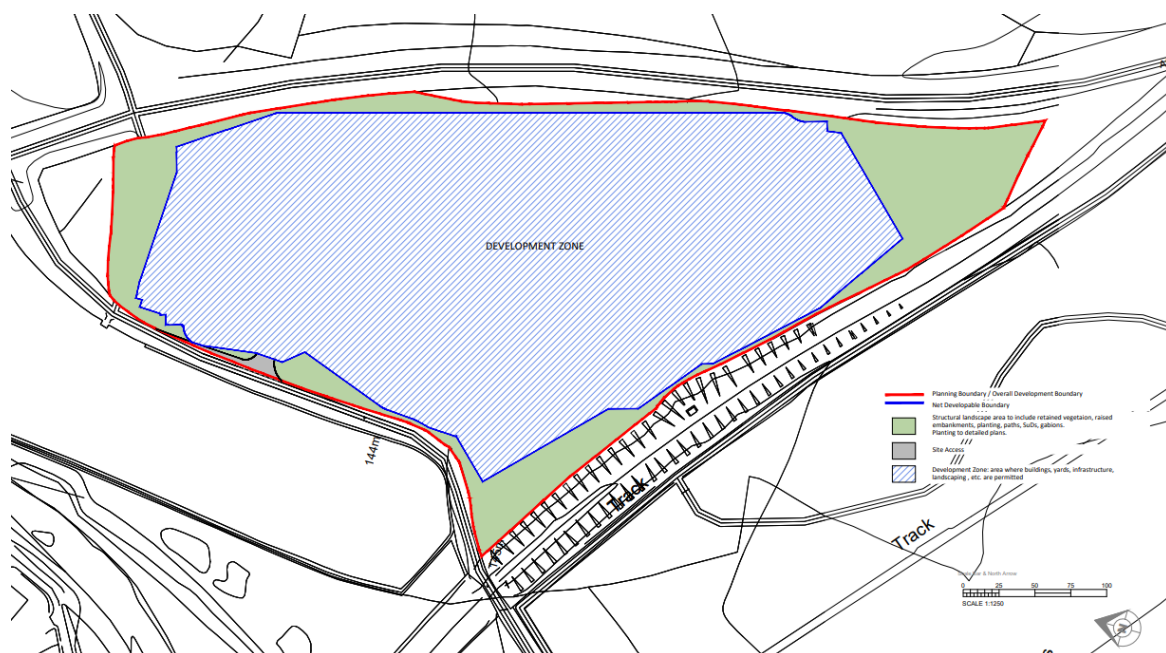
As part of the consideration of the application the Council's Tree Officer has been consulted and they consider that the AIA provides a comprehensive overview of the existing tree cover on and adjacent to the site. On this basis the Council's Tree Officer is satisfied that there will be no significant arboricultural impacts associated with the redevelopment of the site and as such they have no objections to the application. A condition could be imposed to ensure that the development is undertaken in accordance with the MS and TPP.

National Forest

The National Forest Company (NFC) has also been consulted on the application, and they have outlined that the site area amounts to 13.1 hectares. Therefore, and in accordance with Policy En3 of the adopted Local Plan and National Forest Planting Guidelines, 30% (or 3.93 hectares) of National Forest woodland planting and landscaping should be provided.

A landscape parameters plan has been submitted in support of the application and this as shown in the image below:

Landscape Parameters Plan



It is outlined by the applicant that the National Forest planting requirements would be met by a landscape-led scheme, with planting provided around the boundaries of the site and larger blocks of planting to the east, west and south of the site. Additionally, in the circumstances that not all areas of landscaping will contribute to National Forest planting and that the entire National Forest planting requirement is unlikely to be met on site, the application proposes an off-site area of native woodland planting on land within the applicant's ownership which would be to the east of the site on the opposite side of the A511 (Ashby Road), shown in the image below.

Off-Site National Forest Planting Location



Whilst the NFC are content with this approach, it is acknowledged that the application is in outline form with only the principal means of vehicular access for approval at this stage. On this basis it is not apparent how much on-site provision will be associated with the development, and accordingly how much off-site provision will be required. Therefore, the NFC advise that any reserved matters application(s) will be required to clearly demonstrate the requirement for a minimum of 3.93 hectares of National Forest planting.

The NFC has also indicated that details of the species mix, size and density of planting is required to be submitted at the landscaping reserved matters stage(s) together with a landscape management plan. A requirement for replacement planting would also need to be secured via condition, although it is considered that this condition would be applicable to any reserved matters permission(s) given that landscaping is reserved for subsequent approval.

Overall, the NFC has no objections, subject to the imposition of conditions on any outline planning permission to be granted and the securing of off-site National Forest planting within a Section 106 agreement.

Street Trees

Paragraph 136 of the NPPF outlines that planning decisions should ensure that streets are tree lined, although footnote 63 associated with Paragraph 136 states *“Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.”*

The dictionary definition of a ‘street’ is a *“public road in a city, town, or village, typically with houses and buildings on one or both sides.”*

The illustrative plan shows the delivery of a single employment building and therefore the development would not comprise an industrial estate / logistics park whereby there may be multiple

units located along a 'street(s)'. It is also the case that, principally, the site would not be accessed by those who are not associated with the employment use to be undertaken on the site and therefore the road is unlikely to be classified as a 'public road.'

Whilst, therefore, the illustrative plan does not suggest the delivery of 'street trees' it is considered that for the above reasons the development would not necessarily need to demonstrate compliance with Paragraph 136 of the NPPF.

Notwithstanding this, the layout and landscaping of the development are reserved for subsequent approval, should outline permission be granted, and further consideration could be given to the delivery of 'street trees' as part of the consideration of any reserved matters application(s). Albeit there would be no justification to refuse an application on this basis for the above reasons.

Hard Landscaping

A scheme of hard landscaping would also be considered under a reserved matters application(s) when a hard landscaping scheme is presented for consideration. The part access sought for approval at this stage would be hard surfaced in accordance with the standards of the CHA given its association with the adopted highway.

Landscaping Conclusion

Subject to the imposition of relevant conditions as requested by the Council's Tree Officer and NFC it is considered that the existing landscaping infrastructure on the site would be suitably retained and enhanced with the provision of additional landscaping infrastructure. On this basis the proposed development would be compliant with Policies D1, En1 (insofar as it relates to landscaping infrastructure) and En3 of the adopted Local Plan.

Flood Risk and Drainage

Policy Cc2 of the adopted Local Plan requires the risk and impact of flooding from development to be minimised, with Policy Cc3 requiring surface water drainage to be managed by Sustainable Drainage Systems (SuDS) (where feasible).

Flood Risk

The application site lies within Flood Zone 1 and as such is at a low risk of fluvial flooding with the application site also being predominantly at a very low risk of surface water flooding (albeit with a minor area of low flood risk being associated with the northern extent of the site), as defined on the Environment Agency (EA) '*Flood Map for Planning*' and the Council's Strategic Flood Risk Assessment (SFRA).

A flood risk assessment (FRA) and drainage strategy (DS) have been submitted in support of the application, with the FRA also demonstrating that the site is not at risk of flooding from tidal sources, groundwater or infrastructure (such as canals and reservoirs).

Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF subsequently outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It is, however, outlined at Paragraph 175 of the NPPF that the sequential test would not be applicable where a site specific FRA demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

The 'Flood Risk and Coastal Change' section of the NPPG specifies, at Paragraph 023 (Reference ID: 7-023-20220825), that the aim of the sequential test is to ensure areas at little or no risk of flooding from any source are developed in preference to areas at higher risk and this therefore means avoiding, as far as possible, development in current and future medium and high flood risk areas. Paragraph 024 (Reference ID: 7-024-20220825) further states that reasonably available sites in medium to high flood risk areas should only be considered where it is demonstrated that it is not possible to locate development in low flood risk areas.

Notwithstanding the above, Paragraph 027 (Reference ID: 7-027-20220825) specifies that in applying Paragraph 175 of the NPPF a proportionate approach should be taken and where a site-specific FRA demonstrates clearly that the proposed development (when accounting for its layout, design and mitigation measures) would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test would not need to be applied.

A parameters plan identifying the extent of the 'development zone', which would be conditioned as part of any outline permission granted, indicates that the entirety of the 'development zone' would be in an area at very low risk of flooding from any source (surface water).

On this basis the development has been sequentially located to avoid areas at medium to high risk of flooding from any source.

A high risk of surface water flooding occurring is identified along a small strip of the railway track to the south-west, as well as within the tree buffer outside the northern extent of the application site. However, both areas are at a lower land level than the application site (the railway track being significantly lower) and consequently would not pose a surface water flood risk to the site

Flood Risk Conclusion

Overall, and when accounting for the development being sequentially located to avoid areas at medium to high risk of flooding from any source, it is considered that compliance with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174, 175 and 181 of the NPPF is demonstrated.

Surface Water Drainage

As part of the consideration of the application the Lead Local Flood Authority (LLFA) has been consulted and their original consultation response outlined that the supporting evidence for the proposed outfall was insufficient and that the applicant was required to demonstrate that the proposed outfall location had the capacity and connectivity to install a positively fed outfall. It also needed to be demonstrated that a gravity connection was feasible and that catchment transfer did not occur given the northern and southern parts of the site discharged in different directions.

A revised FRA and DS was subsequently submitted by the applicant and re-consultation undertaken with the LLFA.

In their revised consultation response, the LLFA has stated that the proposed development seeks to discharge at a rate of 36.7 litres per second (l/s) via attenuation tanks and attenuation ponds to the on-site watercourse at the northern site boundary. It also remains the case that both dry and wet ponds, as well as swales, are proposed in addition to proprietary treatment systems to manage surface water runoff.

A reduction in the discharge rate has also alleviated the LLFA's concern in respect of catchment transfer, with it being demonstrated that a gravity solution for the surface water drainage is viable.

Taking the above into account, the LLFA has no objections to the application subject to the imposition of conditions which would secure a surface water drainage scheme, the means of controlling surface water during the construction phase and the future maintenance and management arrangements for the surface water drainage scheme.

As the proposed development would not direct surface water runoff to the sewer in Farm Town it would not exacerbate what is an existing situation.

Surface Water Drainage Conclusion

Overall, and subject to the imposition of the recommended conditions of the LLFA on any outline permission granted, it is considered that the proposed development would not increase or exacerbate flood risk and as such would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraphs 181 and 182 of the NPPF.

Foul Drainage

Insofar as foul drainage is concerned, the submitted DS has outlined that a developer enquiry response with Severn Trent Water (STW) has established that a gravity connection could be made to the sewer which is present on Leicester Road. However, the developer enquiry has also established that there have been multiple flood events along this foul network further downstream and therefore sewer modelling would be required. When accounting for this, the applicant has outlined that foul drainage would be pumped along Farm Town Lane to the sewer located in Farm Town which has been principally agreed by STW and would require the provision of a pumping station on the main application site (i.e. where the building would be located).

At the time of the submission of the application a foul drainage connection in the vicinity of the site did not exist to the foul sewer in Farm Town. However, a foul drainage connection has subsequently been constructed to this sewer from the G-Park site. In these circumstances the development is in a position to connect into the publicly accessible elements of the foul sewer to Farm Town within the vicinity of the site rather than necessitating a further individual connection.

Under the Water Industry Act (1991) (as amended), there is a general duty that sewerage undertakers provide additional capacity that may be required to accommodate additional flows and loads arising from new developments which can include sewerage infrastructure (including sewers and pumping stations) and sewerage treatment works. Should it be the case that insufficient capacity exists then the sewerage undertaker can delay a connection being made until the capacity is provided (this would be undertaken outside of the planning process under separate legislation).

The direction of foul drainage to the sewer in Farm Town would also ensure that foul drainage is discharged outside of the catchment of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) which would ensure that its integrity would be preserved. This is as discussed in the '*River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment*' section of this report below.

Foul Drainage Conclusion

Overall, there would not be an increased risk of pollution discharge from the foul drainage network and as such the proposal would be compliant with Paragraph 198 of the NPPF.

River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment

Policy En2 of the adopted Local Plan (2021) outlines, amongst other things, that the Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease Special Area of Conservation

(SAC). Policy En1 sets out the relevant requirements in respect of nature conservation.

As set out in the '*Approach to Determination and Principle of Development*' section of this report above, Paragraph 195 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.

The site lies within the catchment area of the River Mease SAC. The watercourse within the north of the site would be a tributary of the river given its hydrological connection with Gilwiskaw Brook. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Surface water flows can also adversely impact on the SAC.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge. Therefore, an appropriate assessment of the proposal and its impacts on the SAC is required.

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels.

As is outlined above, it is considered that an existing watercourse within the north of the site would be to a tributary of the River Mease given its hydrological connection with the Gilwiskaw Brook.

Foul Drainage

In March 2022 Natural England (NE) published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development.

This advice outlines that development which will not give rise to additional overnight stays within the catchment does not need to be considered in terms of any nutrient input, except in exceptional circumstances. This is as a result of a likelihood that those using the development live locally, within the catchment, and thus their nutrient contributions are already accounted for within the background.

As part of the consideration of the application Natural England (NE) has been consulted and they have outlined that proposed development will not create additional overnight stays within the catchment area of the River Mease SAC. Nonetheless, the submitted River Mease Impact Assessment (RMIA – Stage 1 (Screening) and Stage 2 (Appropriate Assessment)) identifies foul drainage from the proposal would be pumped outside of the catchment area for both treatment and discharge given the connection to be made into the mains network at Farm Town. If this is the case then NE are satisfied that impacts from foul water drainage could be ruled out as there would be no impact pathway.

The applicant has confirmed that a foul drainage connection to the sewer in Farm Town would be made.

Subject to the imposition of a relevant condition requiring delivery of the foul drainage connection to Farm Town, there would be no impact on the integrity of the River Mease SAC as a result of foul drainage discharge.

Surface Water Drainage

As is outlined in the '*Flood Risk and Drainage*' section of this report above, surface water discharge

from the proposal would be via attenuation tanks and attenuation ponds to an on-site watercourse at a run-off rate of 36.7 litres per second (l/s). Both dry and wet ponds, as well as swales and propriety treatment systems, would also be installed to manage surface water runoff.

The RMIA – Stage 1 (Screening) notes the possible impacts from siltation during construction as well as water pollution and hydrological changes to the flow in the River Mease SAC. On this basis the RMIA – Stage 2 (Appropriate Assessment) sets out the design of Sustainable Drainage Systems (SuDS), including a treatment train comprising interceptor tanks, a dry pond, a swale, another dry pond and wet pond, to mitigate the impacts. Such measures would result in the flow of the River Mease SAC being unaltered.

It is also outlined that a Biodiversity Construction Management Plan (BCMP) would be utilised to control silt during the construction phase to prevent adverse impacts on water quality.

Subject to conditions securing the on-site SuDS and a BCMP, NE are satisfied that an adverse effect on the integrity of the River Mease SAC can be ruled out.

On this basis there would be no impact on the integrity of the River Mease SAC as a result of surface water discharge.

River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment Conclusion

On the basis of the above, it can be ascertained that the proposal would, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitats Regulations 2017, Policies En1 and En2 of the adopted Local Plan, and the NPPF.

Impact on the Historic Environment and Archaeology

Policy He1 of the adopted Local Plan (2021) and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

Historic Environment

As part of the consideration of a pre-application submission, the Council's Conservation Officer advised that there were no Conservation Areas or listed buildings within one kilometre of the main application site boundary (i.e. where the employment building would be located) with the exception of the Grade II listed milestone outside of no. 96 Leicester Road, New Packington. Given the nature of this heritage asset, the Council's Conservation Officer determined that no harm would arise to the significance of the setting of any heritage assets.

On the basis that no harm arises, an assessment in the context of Paragraph 215 of the NPPF is not required and the setting of heritage assets would be preserved.

Archaeology

As part of the consideration of the application the County Council Archaeologist has been consulted, and they have reviewed the contents of the submitted archaeological desk-based assessment and geophysical survey.

Following consideration of these reports, the County Council Archaeologist has indicated that not all types of archaeological deposit (including prehistoric, Anglo Saxon remains and human burials) are sensitive to detection by geophysical survey. Therefore, whilst the geophysical survey has not identified any positive evidence for archaeological activity on the site, it has not established the absence of such archaeological activity either. Therefore, the County Council Archaeologist considers that the crop mark and geophysically negative areas should be subject to trial trenching to determine whether any archaeological features of significance are present on the site.

Given the opportunities which exist for archaeological remains to be present on the site the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a Written Scheme of Investigation (WSI) (including trial trenching) to be provided, in advance of the development commencing. The WSI would record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the possibility of archaeological remains being present on the site.

Impact on the Historic Environment and Archaeology Conclusion

When accounting for the above conclusions, and subject to the imposition of the archaeological conditions, the proposed development would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 207, 208, 210, 212 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Land Contamination

Policy En6 of the adopted Local Plan (2021) outlines those proposals for development on land that is (or is suspected of being) subject to contamination will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

As part of the consideration of the application the Council's Land Contamination Officer has been consulted and following a review of the submitted Phase 1 Ground Investigation and Coal Mining Risk Assessment, and Phase 2 Ground Investigation and Contamination Assessment, they have raised no objections to the application subject to the imposition of conditions which would require the submission of a Further Risk Based Land Contamination Assessment and a Verification Investigation due to findings of the submitted reports.

Land Contamination Conclusion

It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for employment purposes and therefore necessary to ensure the health and safety of any future employees. Subject to the imposition of these conditions, the scheme would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 196 and 197 of the NPPF.

Coal Mining Risk

Policy En6 of the adopted Local Plan (2021) outlines that proposals for development on land that is (or is suspected of being) subject to land stability issues, or is located within the defined Development High Risk Area, will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

The application site falls partly within a Coal Mining Referral Area and as part of the consideration of the application the Coal Authority (CA) (now known as the Mining Remediation Authority (MRA)) has been consulted.

It is outlined by the CA (MRA) that the lower main coal seam is conjectured to outcrop across the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The CA (MRA) has reviewed the Phase 1 Ground Investigation (Phase 1 GI) and Coal Mining Risk Assessment (CMRA) and noted that these reports acknowledged coal outcrops at the site. Such reports also recommended that the coal seam was located by means of trenching and / or window sample boreholes despite the risk posed by unrecorded shallow coal mining being negligible.

A Phase II Ground Investigation and Contamination Assessment (Phase II GICA) was undertaken as a 'follow up', to the Phase 1 GI and CMRA, and specifies that trial trenching and window sampling carried out across the site encountered no coal. In this respect the Phase II GICA states at Section 5.1.3 that *"no crop outcrop was identified across the northern most section of this section of the site. In addition, no coal was recorded within any of the window sample boreholes advanced across the site. On this basis, it is considered that coal is not present at the site and therefore the risk associated with coal is considered to be negligible."* The CA (MRA) has accepted the findings of the Phase II GICA.

On the basis of the above, the CA (MRA) consider that the application site is, or can be made, safe and stable for the proposed development and therefore they have no objections to the application and would not require the imposition of conditions on any outline permission to be granted.

They do, however, advise that more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application. A note to the applicant would be included on any outline permission granted to advise on this matter.

Coal Mining Risk Conclusion

Overall, the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 196 and 197 of the NPPF.

Impact on Safeguarded Minerals

As part of their consultation response the County Council Minerals and Waste Planning Authority (LCCMWP) have outlined that the application site falls within a Mineral Consultation Area (MCA) for coal.

On this basis the development would be subject to the requirements of Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan (LMWLP) with the proposed development not meeting any of the exemptions set out in Table 4 of Policy M11.

The LCCMWP has reviewed the submitted Coal Mining Risk Assessment (CMRA) and Mineral Safeguarding and Development Assessment (MSDA) and whilst the development is not related to the extraction of Coal, Policy M9 of the LMWLP (titled Coal) emphasises the protection of clay (where present), stating that particular regard should be given to the following:

- (v) *The avoidance of the sterilisation of mineral resources in advance of development; and*
- (vi) *The need for fireclay.*

In the above respects the LCCMWP, commented that surface coal mining operations provide one of the few viable sources of the clay.

The MSDA assesses the potential of the proposed site for mineral extraction in accordance with Policy M11, concluding that the mineral concerned is no longer of any value or potential value due

to the economic and logistical practicalities of future working.

In these circumstances the LCCMWP has concluded that they have no objections to the application but advise that a 'watching brief' is undertaken by a competent person during the development works and that further consultation is undertaken by the applicant with their technical advisors (Ivy House Environmental Limited) should either of the identified coal seams uncover the potential existence of mine entries or historic surface mining. This being as recommended within the CMRA. A condition could be imposed on any outline planning permission to be granted to ensure this request is adhered to.

The LCCMWP has also identified that there are no concerns associated with the development from a waste safeguarding perspective either.

Impact on Safeguarded Minerals Conclusion

On the basis of the above there would be no conflict with Policy M11 of the LMWLP or Paragraph 225 of the NPPF.

Aviation Safety

Part (1) of Policy Ec5 of the adopted Local Plan (2021) outlines that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) has been consulted and they have no objections to the outline scheme presented but wish to be consulted when further details are provided as part of any reserved matters application(s) should outline planning permission be granted.

Aviation Safety Conclusion

On this basis it is considered that the provision of the principal means of vehicular access to the site (as proposed under this outline application) would not result in conflict with Policy Ec5 of the adopted Local Plan.

Socio-Economic Issues

The DHL Real Estate Solutions (RES) 'Strategy and Benefits' note outlines that, based on existing operations in the region, there would be a conservative estimate that the unit would support 400 new full-time equivalent (FTE) jobs within the District. Such jobs would be split across various different skill sets, with an indicative split of jobs as follows:

- (i) 25% - Office workers;
- (ii) 49% - Warehouse floor operatives;
- (iii) 4% - Class 1 drivers;
- (iv) 4% - Class 2 drivers;
- (v) 12% - Managerial; and
- (vi) 6% - Other.

The total annual wage generation of the unit based on 2023 / 24 wages and the above split at 400 FTE jobs would be £13,666,260.00 per annum.

Measures to maximise the socio-economic benefits likely to be generated by the proposed development are also highlighted in the DHL RES Strategy and Benefits note where it is highlighted that DHL RES are "committed to ensuring opportunities are provided to local people and is committed

to working with the Leicester Employment Hub and other key stakeholders to ensure opportunities are appropriately advertised,” and that DHL RES has one of the UK's most successful apprenticeship schemes (including in-house apprenticeship programmes and dedicated training teams). Existing partnerships include a Supply Chain Leadership programme which is a 44 month programme run in collaboration with Aston University.

It is considered that such 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. Although accepting that there would be an element of “leakage” of posts outside of the immediate area, the above measures would help in maximising employment opportunities (both direct and within those businesses benefitting from associated economic activity) for local areas. Such measures are similar to those agreed in connection with other employment development undertaken in the District and would be secured by way of Section 106 obligations. The applicant has agreed to enter into an obligation to this effect with preference being given to local suppliers (both during construction and in terms of future operation of the site) where it would be commercially reasonable to do so.

Public Revenue Impacts

The DHL RES Strategy and Benefits note estimates that the business rates payable to North West Leicestershire, based on a minimum floorspace of 40,000 sqm, would be £2,601,156.00 per annum.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) (‘the Act’) 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) of the Act defines a local finance consideration as “...*a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown...*”. The Minister of Homes, Communities and Local Government’s (MHCLG’s) NPPG 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 finance 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.

As above, business rates are collected by the Council and the balance of the rates collected and not retained 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 Council 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 NPPG 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.

Developer Contributions and Infrastructure

Requests have been made for Section 106 contributions towards transportation, local employment, training and careers and National Forest planting.

Paragraphs 56 and 58 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.

The requested development contributions are listed below.

Transportation

The contributions set out under the 'Accessibility' section of this report above include the following:

- (a) A financial contribution of £610,454.50 towards improvement works in keeping with the Interim Coalville Transport Strategy (ICTS);
- (b) Travel packs to inform new employees from first site use of the available sustainable travel choices in the surrounding area. These can be provided through Leicestershire County Council (LCC) at a cost of £52.85 per pack. If not supplied by LCC, a sample travel pack shall be submitted to and approved in writing by LCC, an administration fee of £500 will be charged when submitting such documents for approval;
- (c) Six month bus pass per employee (an application form to be included in the travel packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at a current average cost of £360.00 per pass;
- (d) Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first use. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures;
- (e) A travel plan monitoring fee of £11,337.50 for LCC's Travel Plan Monitoring System;
- (f) The payment of a sum of £7,500.00 for the submission of a Traffic Regulation Order (TRO) consultation, in accordance with the Road Traffic Regulation Act 1984, for the proposed amendments to the speed limit and weight restriction; and
- (g) The payment of a sum of £12,760.00 for improvement works to the traffic signals at the A511 roundabout with Junction 13 of the A42.

The applicant has confirmed their acceptance to the payment of the majority of the Transportation contributions, with there being further discussions between the applicant and the CHA in relation to the financial contribution towards the ICTS. In the applicant's view, the signalisation of the junction of Corkscrew Lane with the A511 (Ashby Road) would result in significant benefit to vehicular movements on the A511 (a position which is not disputed by the CHA) and thereby the financial figure could be reduced. It is considered that the final financial figure to be paid towards the ICTS can be negotiated between officers, the applicant and the CHA following a resolution on the application, with the final financial figure then being secured within the Section 106 agreement. Notwithstanding this, the applicant has confirmed they would accept a total financial contribution payment of £610,454.50 towards the ICTS should the CHA determine that the financial figure should not be reduced.

Local Employment, Training and Careers

As set out in more detail in the 'Socio-Economic Issues' section of this report above, the applicant proposes to make commitments to using local suppliers, and in terms of the provision of local employment, training and careers opportunities. In order that weight may be reasonably attached to these commitments, it is proposed to secure them within the Section 106 agreement.

The applicant has confirmed their acceptance to meeting this obligation.

National Forest

As is outlined in the '*Landscaping*' section of this report above a minimum of 3.93 hectares of National Forest planting would be required. Such planting is unlikely to be delivered on the entirety of the application site and therefore native woodland planting would also be undertaken on land within the ownership of the applicant to the north-east of the application site on the opposite side of the A511 (Ashby Road).

The applicant has confirmed their acceptance to the securing of the National Forest planting.

Ashby De La Zouch Town Council

Ashby De La Zouch (ADLZ) Town Council has commented that if outline permission is to be granted than Section 106 contributions should be secured to improve the cycle route between Ashby De La Zouch and Coalville as well as the delivery of community benefits as a result of the revenue generated from solar panels.

Paragraph 58 of the NPPF outlines the 'tests' which would need to be passed in order for a contribution to be applicable to any planning permission to be granted. Principally it would need to be demonstrated that the request is reasonable and necessary to make the development acceptable in planning terms. No justification is provided within the consultation response from ADLZ Town Council as to why it is necessary for the development to secure an improved cycle route between Ashby De La Zouch and Coalville as well as the nature and type of community benefits which should be delivered from revenue generated from solar panels.

It is also the case, and as discussed in the '*Transport Sustainability*' sub-section of the '*Accessibility*' section of this report above, that the provision of a cycle route between Ashby De La Zouch and Coalville would likely need to be co-ordinated between Leicestershire County Council (as the highways authority) and the Council and consequently this co-ordination would determine the level of contribution which may be expected from new development. It would be unreasonable for the development to fund the entirety of such connection when the level of cost is unknown. The County Highways Authority (CHA) has also not requested any such contribution.

Any solar panels delivered to the building would likely be sufficient to power the building, thereby negating any excess revenue which may arise from 'selling' power to the grid. In any event no justification is provided as to why there is a need for such community benefits to be delivered by this development.

On this basis it is considered that such requests fail the tests outlined at Paragraph 58 of the NPPF and could not be applied.

Other Contributions

No other contributions have been requested by relevant statutory consultees.

Section 106 Total Contributions:

On the basis of the above the following contributions should be secured within a Section 106 agreement:

- a) Highways - £807,192.00 (with travel packs and bus passes calculated on 400 full time equivalent jobs being created).
- b) Employment strategy to maximise job and education opportunities in the construction and operational phases of the development in the local area.
- c) National Forest Planting – a total of 3.93 hectares to be delivered partly on-site and off-site.

Total Financial Contribution - £807,192.00.

No other contributions have been requested, and the applicant is agreeable to paying the relevant contributions.

Developer Contributions and Infrastructure Conclusion

Subject to these contributions being secured within a Section 106 agreement the proposed development would be compliant with Policy IF1 of the adopted Local Plan and Paragraphs 35, 56 and 58 of the NPPF.

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

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 (2021) and the adopted Leicestershire Minerals and Waste Local Plan (2019). The site is located outside the Limits to Development as defined in the adopted Local Plan and is not allocated for new employment development; Policies S3 and Ec2(2) set out the approach to considering applications for employment development in these circumstances.

As set out in the 'Approach to Determination and Principle of Development' section of this report above, it is considered that the proposals can be shown to be in accordance with the requirement for such development to have an immediate demand (and including as evidenced by the confirmation of DHL RES being the occupier of the unit) and, as such, the in-principle elements of these policies can be shown to be satisfied. Furthermore, whilst the new Local Plan remains at an early stage (and, as such, only attracts limited weight in the overall planning balance), it is noted that the Local Plan Committee, having considered the findings of the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study (and, in particular, the indication within it of the extent of need for additional strategic warehousing across Leicester and Leicestershire), has agreed in principle to the inclusion of the site for strategic warehousing in the Regulation 19 version of the new Local Plan.

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), the view is taken that, overall, the proposals can be considered to comply with the development plan as a whole.

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 requirement of other policies, such as those set out within the NPPF). 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:

Economic Objective:

This objective seeks to ensure that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated.

The proposed development would be expected to generate a range of direct and indirect jobs both during the construction and operational phases which would be in respect of a range of job types / quality; 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 the ‘*Socio-Economic Issues*’ section of this report above.

A requirement for the proposed development to provide a Public Transport Strategy (PTS), be that in conjunction with the adjacent G-Park development or as a separate entity, would also assist in ensuring that the employment available on the site would be accessible by those without access to a private car.

Social Objective:

The economic benefits associated with the proposed development, would, by virtue of the jobs created for those employed in association with the construction and operation of the development, also be expected to provide some social benefits. The NPPF refers to the need to foster a well-designed and safe built environment.

In terms of the social objective’s stated aim of fostering a well-designed and safe environment, it is considered that whilst approval is only sought for part access at this outline stage, there is sufficient satisfaction (from the submitted details) that an employment development could be delivered at the reserved matters stage(s) which would integrate into the environment in which it is set.

The delivery of new green infrastructure and areas of informal open space within the site, as well as other habitat creation, would potentially provide recreational opportunities whilst also supporting the health and social wellbeing of employees.

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 the Limits to Development would not therefore necessarily conflict with Policies S3 and Ec2(2), or the policies of the adopted Local Plan as a whole.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which assesses the impacts of the development and, whilst the development would comprise a significant scheme in the countryside (and notwithstanding the conclusions of the Council’s Landscape Consultant), the view is taken that, overall, the environmental impacts would be acceptable. This position accounts for landscape infrastructure which would be provided to screen the building, the relationship the application site has with the development on the G-Park site, other engineered structures which exist within the vicinity of the site (such as the A511 (Ashby Road) and A42), and the segregation the application site has with the open countryside to the east and west by virtue of the A511 and a railway. Additionally, regard is also given to an appeal decision for employment development at land to the south of Junction 1 of the A50 in Castle Donington where the landscape sensitivity was higher than the low to medium identified for the application site, and whereby the Inspector determined that no harm to the appearance and character of the landscape would arise. For the reasons set out within the relevant sections above, the scheme would also be considered acceptable in terms of its contribution towards protecting and enhancing the built and historic environment.

The application is accompanied by a River Mease Impact Assessment (Stage 1 – (Screening) and Stage 2 (Appropriate Assessment)) in accordance with the Habitats Regulations, the conclusions of which are considered reasonable and, for the reasons set out within the relevant section above, the proposals would not have any adverse effects on the River Mease Special Area of Conservation / Site of Special Scientific Interest; no other adverse effects on protected habitats would result.

It is also considered that the scheme would 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 to meet a need for sites for this type of use, but it is also noted that the site is greenfield, whereas the use of previously developed land is the preferred approach as set out in Paragraph 124 of the NPPF.

Whilst there is a loss of Best and Most Versatile (BMV) agricultural land, the impact in respect of the environmental objective is considered to not be significant when accounting for the overall loss being less than 20 hectares.

Although the siting of the development away from the built-up area of Ashby De La Zouch (being the nearest sizeable settlement) would likely result in a significant proportion of employees accessing the site by private car, the delivery of a PTS would serve to encourage the use of sustainable forms of transport. It is also the case that this issue would need to be considered in the context of the need to deliver economic growth, and when considering the limited number of alternative sites available for this form of development which would perform better in terms of accessibility (and which would also be suitable for a scheme of this scale and type), it is determined that the development would perform reasonably well in this regard when accounting for the nature of the use and the types of locations where development of this type and scale would tend to be sited.

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 economic growth associated with the proposed development, coupled with the role played in helping to meet a demonstrable immediate need or demand for development such as that proposed, 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 result in the loss of Best and Most Versatile Agricultural Land, it is considered that 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 have the ability to provide a reasonable travel choice for employees and, as such, (and notwithstanding its location) have the potential to perform reasonably well in terms of travel needs and the movement towards a low carbon economy.

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.