
Hybrid planning permission for development of the site comprising:

Report Item No
A1

Full planning permission for site wide infrastructure works including: new roundabout access from (and alterations to) the A444; new pedestrian crossing points over the A444; internal spine road; all earthworks and site level works including retaining features; creation of development plateaus (within Development Zones 1 and 2); structural landscaping (including boundary treatments and pedestrian / cycle paths); associated utilities and lighting infrastructure; foul and surface water drainage infrastructure.

Full planning permission within Development Zone 1 for the erection of Class B8 distribution unit and ancillary offices (E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure.

Outline planning permission within Development Zone 2 (with all matters reserved) for the erection of employment unit(s) (Class B2, B8 and / or E.g.iii uses, with ancillary offices E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure

Land to the East of the A444 / North of J11 of the M42
Stretton en le Field, Leicestershire

Application Reference
25/00274/FULM

Grid Reference (E) 430567
Grid Reference (N) 310520

Date Registered:
14 February 2025
Consultation Expiry:
8 December 2025

Applicant:
IM Properties Development Ltd

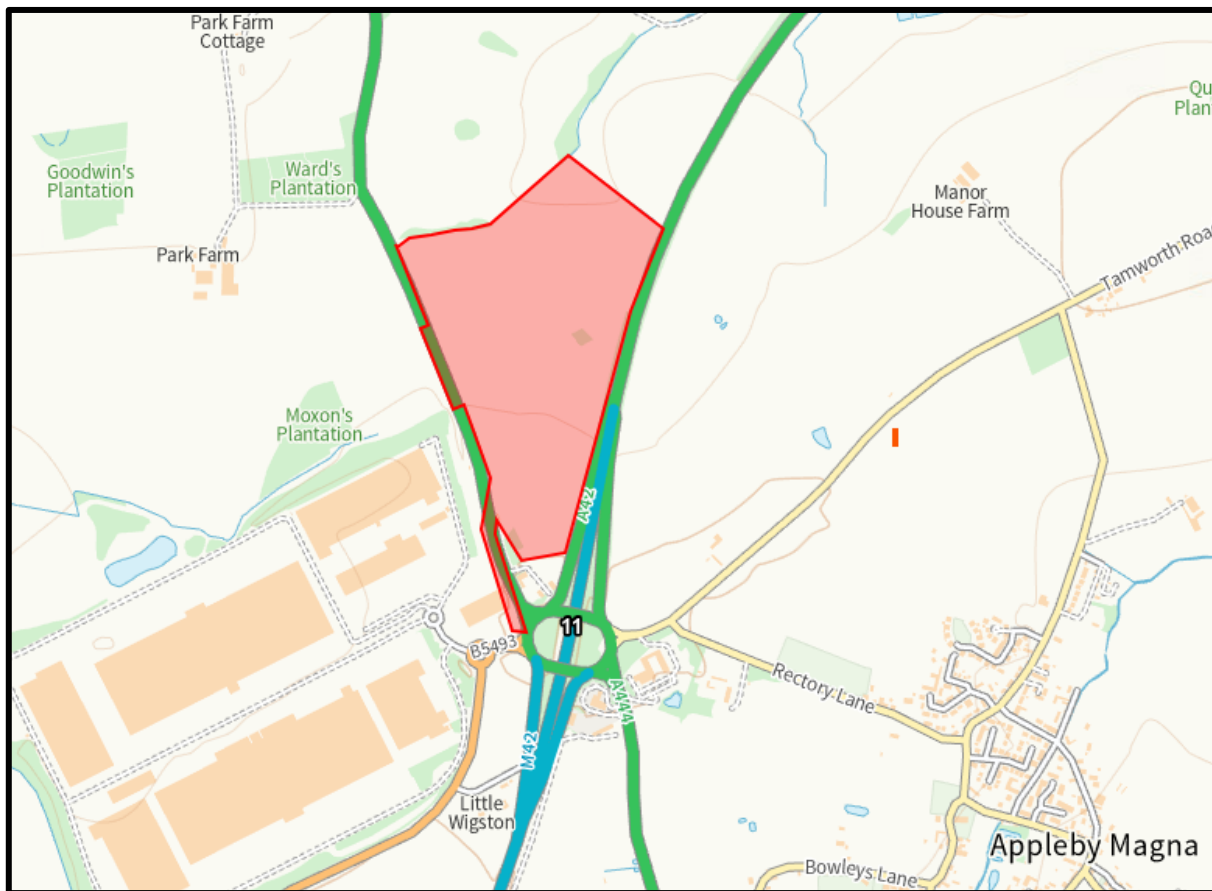
16 Week Date:
6 June 2025

Case Officer:
James Knightley

Extension of Time:
24 December 2025

Recommendation: Permit, subject to National Highways confirming it raises no objections, subject to Section 106 obligations, and subject to conditions

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is referred to Planning Committee for determination on the basis 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, is likely to raise matters which should be referred to the Planning Committee.

RECOMMENDATION - PERMIT, subject to National Highways confirming it raises no objections, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following:

- (i) Biodiversity Net Gain (BNG) (unless addressed by way of a conservation covenant)
- (ii) Implementation of Employment Scheme including provisions in respect of employment, training and supplier opportunities for the local area
- (iii) Provision of Travel Packs to be provided to each employee in accordance with details first agreed with the County Highway Authority (or payment of £52.85 per employee to Leicestershire County Council for the County Council to provide them on the applicant's behalf) (plus payment of an administration charge of £500 in the event that the developer opts to seek approval for its own design of Travel Pack by the County Council)
- (iv) Provision of 6 month bus passes to employees (or payment of £445 per pass to Leicestershire County Council for the County Council to provide them on the applicant's behalf)
- (v) Payment of STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £11,337.50 to Leicestershire County Council (in respect of the full element of the proposals).

- 1 Time limits
(Full element of the hybrid application: commencement within 3 years
Outline element: submission of reserved matters within 3 years with commencement within 2 years of the approval of the last of the reserved matters)
- 2 Details of reserved matters (including details of final access points for the outline part of the site)
- 3 Approved plans
- 4 Total floor space as shown
- 5 Environmental Statement mitigation (details to be submitted / agreed prior to commencement) (where not covered elsewhere)
- 6 Materials as shown (full element)
- 7 Levels as shown (full element)
- 8 Hard surfacing (details to be submitted / agreed prior to installation) (full element)
- 9 Landscaping provided as shown and maintained in accordance with the submitted strategy and management plan
- 10 External lighting as shown (full element)
- 11 Compliance with scheme of foul drainage (including pumping out) prior to occupation (full element)
- 12 Submission / approval and compliance with a scheme of foul drainage (including pumping out) prior to occupation (outline element)
- 13 Compliance with scheme of surface water drainage prior to occupation
- 14 Submission / approval and compliance with a scheme of surface water drainage prior to occupation (outline element)
- 15 Submission / approval and compliance with a scheme for the treatment of surface water during construction prior to commencement
- 16 Submission / approval and compliance with a scheme for the long term maintenance of surface water drainage prior to occupation

- 17 Submission / approval and compliance with a Construction Environmental Management Plan (CEMP) in accordance with the submitted Framework CEMP
- 18 Submission / approval and compliance with a Construction Ecological Management Plan (CEcMP) in accordance with the submitted Framework CEcMP
- 19 Compliance with Habitat and Ecological Management and Monitoring Plan (HEMMP)
- 20 Submission / approval and compliance with a Construction Traffic Management Plan prior to commencement
- 21 Provision of site access as shown prior to occupation
- 22 Provision of turning, parking and servicing areas as shown prior to occupation
- 23 Provision of cycle parking prior to occupation (full element)
- 24 Implementation of off-site highways works as shown prior to occupation
- 25 Submission / approval and compliance with an updated Framework Travel Plan prior to occupation
- 26 Implementation / continuation of Sustainable Access and Transport Strategy (SATS) (including provision of bus services and bus service infrastructure)
- 27 Submission / approval and compliance with a scheme for the treatment of public footpath P94 (to enable cycle use) prior to occupation
- 28 Submission / approval and compliance with a scheme for the protection of users of public rights of way prior to commencement
- 29 Implementation of pedestrian connections (on and off-site) as shown prior to occupation
- 30 Submission / approval and compliance with a scheme of any proposed outside storage prior to installation
- 31 Submission / approval and compliance with a scheme of boundary treatment prior to installation
- 32 Submission / approval and compliance with details of any proposed retaining walls prior to installation
- 33 Submission / approval and compliance with details of any proposed externally sited sprinklers / tanks, pump houses, bin storage areas, smoking shelters, electricity substations, gatehouses or other plant / equipment / structures (other than as shown on the submitted plans) prior to installation
- 34 Submission / approval and compliance with an archaeological Written Scheme of Investigation (WSI) prior to commencement
- 35 Submission / approval and compliance with an Arboricultural Method Statement prior to commencement
- 36 Submission / approval and compliance with a scheme to demonstrate compliance with submitted Sustainability and Energy Statement (including achievement of identified BREEAM rating) prior to occupation
- 37 Limitation on use of office elements as ancillary to the principal B2 / B8 use of the relevant unit
- 37 Standard Biodiversity Net Gain (BNG) conditions (required to ensure achievement and long-term securing of mandatory BNG requirements)

Plus any others as required by National Highways

[NB Detailed wording of conditions is likely to reflect the different phasing of the scheme (and including the various stages of the overall development, such as initial infrastructure / structural landscaping, and the construction of the units on the full and outline elements of the site).]

MAIN REPORT

1. Proposals and Background

This is a “hybrid” application (i.e. part full and part outline), accompanied by an Environmental Statement and seeking planning permission on a site of 29.08ha currently within agricultural use for a range of potential uses within Classes B2 (General industrial), B8 (Storage or distribution) and E(g)(iii) (generally referred to as “light industry”) of the Town and Country Planning (Use Classes) Order 1987 (as amended), together with ancillary office use and other associated development, including a new roundabout access from the A444, internal roads, earthworks, pedestrian and cycle routes, drainage infrastructure, a gatehouse, parking and landscaping.



The site is located to the eastern side of the A444 and to the western side of the A42, just to the north of Junction 11 of the M42 / A42(T); the scheme is proposed as an expansion of the recently completed Mercia Park development to the western side of the A444 (and to the northern side of the B5493), originally approved in October 2019 under planning permission ref. 18/01443/FULM (and subsequent associated approvals). Photos of the site are provided on the following pages.

View from south western edge of the site (adjacent to A444)



View from north western edge of the site (adjacent to A444)



View from the northern section of the site (looking back towards existing DSV unit on Mercia Park)



The full part of the application relates to two elements: a single B8 unit (with ancillary E(g)(i) offices) and other works / operations that would serve / be associated with the development of both the full planning permission unit and the unit(s) proposed to the outline planning application part of the site. In addition to the proposed B8 unit, the full application elements also include the following:

- Site clearance works
- Installation of a new vehicular access from the A444 by way of a new three arm roundabout
- Installation of pedestrian and cycle crossing to the A444 (including a central refuge) so as to allow for connectivity between the existing Mercia Park development and the proposed expansion site
- "Key strategic infrastructure" including the internal spine road, changes to the existing highway, mounding / bunds, structural landscaping, attenuation ponds, drainage infrastructure, boundary treatment, lighting, a substation, a foul pumping station, landscaping, amenity areas and walking routes for use by employees and the wider local community
- Earthworks and development plateaus

As above, the full application includes the erection of a B8 unit; this would be of total floorspace 56,791sqm which, the applicant advises, is proposed to be occupied by DSV, a transport and logistics company which currently operates a number of units within the existing Mercia Park site. The proposed unit would include a warehouse at ground floor, a three-storey mezzanine and a two-storey office, and would be 22.0m above finished floor level (FFL) (albeit the configuration of the HGV loading bays would mean that the external ground level adjacent to some areas of the building would be below FFL and, as a result, the "effective" maximum height of the building in these sections would be approximately 23.0m above adjacent external ground level). The FFL of the proposed unit is proposed to be at a final level within the parameters of between 88.45m and 89.45m AOD.

The outline element of the application provides for development of an additional unit(s) falling within Use Classes B2, B8 or E(g)(iii) (and including ancillary E(g)(iii) offices) of maximum (total) floorspace of 41,095sqm on an area of the site of 7.07ha; the submitted parameters plan identifies a maximum height of units on this part of the site of 22.0m above a FFL of between 81.80m and 82.80m AOD. The outline element of the application relates to the blank area identified as "Development Zone 2" on the site masterplan below.

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

Relevant Planning History

Application Site: None

Adjacent Site (existing Mercia Park development): See table below

Application Ref.	Description	Decision / Date
18/01443/FULM	Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses	Approved 11/10/19
19/02017/VCUM	Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses approved under planning permission ref. 18/01443/FULM without complying with Condition nos. 1, 8, 25, 30, 31 and 32 so as to allow for amended site layout and elevational plans	Approved 27/01/20
19/02294/REMM	Development of land for a distribution campus (Use Class B8) with ancillary offices (Class B1a), internal roadways, footpaths, yard space, car and cycle parking circulation, smoking shelter, security measures, and landscaping (reserved matters to planning permission ref. 18/01443/FULM)	Approved 24/02/20
21/00583/VCIM	Development of distribution campus approved under reserved matters approval ref. 19/02294/REMM (outline planning permission ref. 18/01443/FULM) without complying with Condition 2 so as to allow for installation of PV panels and plant to proposed office roof	Approved 10/06/21

22/00144/REMM	Erection of unit (Use Class B2 and B8) with access, internal roadways, footpaths, yard space, car and cycle parking provision, retaining walls, security measures and landscaping (reserved matters to outline planning permission ref. 19/02017/VCUM)	Approved 15/06/22
22/01232/VCIM	Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses approved under planning permission ref. 19/02017/VCUM without complying with Condition nos. 1 and 8 so as to allow for provision of storage mezzanine to Unit 2	Approved 17/03/23
23/00942/FUL	Installation of entrance barriers, service yard WC facilities, boundary fence and glazed entrance doors	Approved 27/09/23
24/01215/REM	Provision of landscaping and earthworks, with associated access, seating, event space, car parking and cycle parking (reserved matters to outline planning permission ref. 19/02017/VCUM)	Approved 20/12/24

2. Publicity

3 Neighbours were notified on 18 February 2025.

Site notices were displayed on 24 February 2025 and 14 August 2025.

A press notice was published in the Burton Mail on 26 February 2025 and 20 August 2025.

3. Summary of Consultations and Representations Received

Active Travel England has no objections subject to conditions and Section 106 obligations

Appleby Magna Parish Council – no comments received

Austrey Parish Council objects on the following grounds:

- Existing industrial park not fully occupied, suggesting that claims of high demand for more units are exaggerated
- Recent reports identify frequent delivery delays at JLR due to staffing shortages, highlighting the need for a large, skilled local workforce that is currently unavailable
- The M42 / A42 Junction 11 already experiences significant congestion, especially during JLR shift changes

- Additional industrial units would likely double traffic volumes, worsening congestion on the A444, M42 / A42 and surrounding roads, further disrupting local communities
- Since the existing site opened, Austrey has seen more through-traffic, including speeding vehicles and HGVs, despite roads being unsuitable for such traffic, raising highway and pedestrian safety concerns
- Strategic and Economic Land Availability Assessment deemed the proposed site unsuitable for near-term development, with required policy issues still unresolved
- A 2022 warehousing and logistics report emphasized the need for warehousing near railheads

Chilcote Parish Meeting – no comments received

Derbyshire County Council Local Highway Authority has no objections

Environment Agency has no objections

Historic England has no comments

Hinckley and Bosworth Borough Council has no comments

Leicestershire County Council Archaeologist has no objections subject to conditions

Leicestershire County Council Ecologist has no objections subject to conditions

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

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Leicestershire County Council Tree Officer has no objections subject to conditions

Leicestershire Police has no objections subject to conditions

Lichfield District Council has no objections

Measham Parish Council queries whether an overnight lorry park with facilities would be provided for external drivers

National Highways advises that the comments / concerns it had raised during the application process in respect of impacts on the strategic highway network generally have been addressed, and final comments are awaited in respect of some technical matters

Natural England has no objections subject to conditions or planning obligations to secure ongoing monitoring and maintenance of the proposed SuDS

Netherseal Parish Council objects on the following grounds:

- Increased congestion at M42 / A42 Junction 11
- Existing congestion on A444 worsened
- Unsuitable alternative routes through narrow country road
- Increased traffic volume, littering, and road surface damage
- Delays at Gorsey Lane and Cricketts Inn junction.
- Doubling of commuting cars.
- Insufficient local employment and public transport options.

- Increased traffic disruption from Severn Trent Water pipeline construction, blocking alternative routes, and forcing traffic onto A444.
- River Mease at increased risk from nutrient pollution and flooding
- Negative impact on the River Mease 's ecosystem
- Loss of natural habitats and biodiversity
- Disruption of local ecosystems
- Increased surface run-off and flooding.
- Contamination of waterways affecting local agriculture
- Elevated air and noise pollution levels impacting health and wildlife
- No evidence of demand for the development - existing sites are not fully occupied, indicating a lack of need

North Warwickshire Borough Council has no objections subject to the Local Planning Authority being satisfied that there is capacity within the local highway network to accommodate the increased traffic generated by the proposal

North West Leicestershire District Council Environmental Protection has no objections

Oakthorpe, Donisthorpe and Acresford Parish Council – no comments received

Overseal Parish Council objects on the following grounds:

- The A444 is Overseal's main street, splitting the village in two
- Increased HGV traffic since Mercia Park began operations, causing distress to residents
- Proposed distribution unit will add more HGV traffic, worsening the situation
- Safety risks for pedestrians, horse riders, and cyclists due to heavy traffic
- Children being driven to school as are too frightened to walk
- Concerns about the underlying structure of the A444 through Overseal - no surveys to assess the road's capacity to support heavy vehicles
- Long queues at M42 / A42 Junction 11 affecting residents' commutes
- Increased accidents at Junction 11 due to driver stress
- Proposed roundabout should not be approved, and all vehicles should be directed to turn left towards Junction 11 (and with a separate lane for vehicles turning right into the site from the A444)
- Concerns for horse riders near St Michael's Church at Stretton en le Field
- Urbanisation of a rural area and loss of agricultural land and its amenity
- Visual impact of industrial buildings detracting from the rural environment and reducing tourism attractiveness
- Parish Council is working with Derbyshire County Council to reduce traffic (including HGVs) through the village
- Air quality along the A444 is not being monitored correctly, affecting residents' health

Severn Trent Water – no comments received

South Derbyshire District Council has no objections in principle, but considers that the proposed development would have an impact on South Derbyshire by virtue of the increased traffic movements (including noise, disturbance and congestion). It suggests that financial contributions be sought to fund mitigation of increased HGV use of the section of the A444 passing through South Derbyshire.

South Staffordshire Water – no comments received

Staffordshire County Council Local Highway Authority has no objections

Stretton en le Field Parish Council – no comments received

Warwickshire County Council Local Highway Authority has no objections

Third Party representations

6 representations have been received objecting on the following grounds:

Subject	Reason for Objection
Principle of Development	The UK produces only half its food and heavily relies on imports - using farmland for housing, solar farms, forestry, and warehousing jeopardizes future food security
	Mercia Park development has led to increased warehousing around M42 / A42 Junction 11, with further developments likely to exacerbate this
	No need for additional employment units, particularly warehouses
	Proposals motivated by profit
Transportation and Traffic Issues	A444 is a relatively minor road running through residential areas and is already congested, including by HGVs
	Adverse impacts of traffic on residents (including those in Overseal), including excessive lorry noise (especially at night)
	Highway safety impacts along the A444, including narrow footpaths, dangerous crossings, difficulty accessing driveways, and risks to pedestrians (including school children) and horses
	Increased HGV traffic is worsening infrastructure damage
	M42 / A42 Junction 11 roundabout suffers from congestion and poor traffic light sequencing
	M42 / A42 experiences frequent congestion and closures, causing alternative routes to become heavily congested
	Existing bus service serving Mercia Park is not well used, with most workers driving to the current site. Improved bus service plan is required, including extending routes from Tamworth to Measham and Ashby, to encourage more workers to use public transport.
	If approved, all HGV traffic should be directed onto the M42 / A42, rather than onto the A444 north
	Small road bridge between Netherseal and Chilcote is used by HGV drivers, contrary to the weight restriction
Other Environmental Issues	Missed opportunity for additional renewables
	Noise
	Adverse impacts on wildlife
	Flooding
	Landscape of England changing beyond all recognition
	People move to villages for a peaceful life

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework 2024

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

Paragraphs 8, 10, 11 and 12 (Achieving sustainable development)
Paragraphs 48, 49, 50, 55, 56, 57 and 58 (Decision-making)
Paragraphs 85, 87, 88 and 89 (Building a strong, competitive economy)
Paragraphs 96, 98 and 105 (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, 177, 178, 179, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 187, 193, 195, 196, 198, 199 and 201 (Conserving and enhancing the natural environment)
Paragraphs 202, 207, 208, 210, 212, 213, 215, 216 and 218 (Conserving and enhancing the historic environment)

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. 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 IF3 – Open Space, Sport and Recreation Facilities
Policy IF4 – Transport Infrastructure and new development
Policy IF7 – Parking provision and new development
Policy En1 – Nature Conservation
Policy En2 – River Mease Special Area of Conservation
Policy En6 – Land and Air Quality
Policy He1 – Conservation and enhancement of North West Leicestershire's historic environment
Policy Cc2 – Flood Risk
Policy Cc3 – Sustainable Drainage Systems

Adopted Leicestershire Minerals and Waste Local Plan (2019)

The Leicestershire Minerals and Waste Local Plan forms part of the development plan. There are, however, no policies within the plan considered directly relevant to the determination of this application.

Other Policies / Guidance

Community Infrastructure Levy Regulations 2010

Conservation of Habitats and Species Regulations 2017

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

Good Design for North West Leicestershire SPD

Leicestershire Highway Design Guide (Leicestershire County Council)

Local Transport Note (LTN) 1/20: Cycle Infrastructure Design (Department for Transport)

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

North West Leicestershire Air Quality Supplementary Planning Document – October 2023

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

Planning Practice Guidance

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.

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

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a 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 NPPF Paragraph 12), other material considerations indicate that planning permission ought to be

granted (and whether Paragraph 11 subsections (c) or (d) are applicable). For the purposes of applying the tests in the NPPF, the view is taken that the adopted North West Leicestershire Local Plan is up-to-date.

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

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

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

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

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

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 need for some 3.06 million 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 in 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 (2024-2042)

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 19 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 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 applicant has submitted a number of documents in support of the application, and which can be summarised as follows:

Employment Land Statement February 2025:

- Using 2024 data, Savills report that the East Midlands continues to be the largest market in the country for "big box" warehouse units (over 9,000sqm). Third party logistics firms accounted for 35% of this total activity, high street retailers accounted for 21%, online retailers 12%, and food producers 10%.
- Savills calculate that there is 2.2 years' worth of supply of strategic scale units in the East Midlands. Over a third of the supply (4.95 million sqft) is identified as being associated with second hand units.
- For the M42 / A42 corridor, the current supply of strategic scale units is just 907,971sqft (c.84,353sqm) across four units. This equates to less than 9 months-worth of demand based on take up over the last 6 years. There are no new speculatively developed "Grade A" units available (i.e. units already built but unoccupied) in the wider M42 / A42 corridor.
- The limited choice of development land in the M42 / A42 corridor also acts as a major constraint to new floorspace being developed speculatively to address supply gaps.
- The imbalance between supply contributes to there being both an immediate demand and need for additional strategic-scale employment land and floorspace in the M42 / A42 corridor.
- Local Plan Policy Ec2(2) remains the only mechanism through which to satisfy this need at the current time and address the under-supply of strategic in evidence in this part of the District.

Employment Land Statement Addendum (October 2025):

DSV now needs to expand its operations in the region in order to accommodate further growth and best meet the requirements of its customers. This requires significant investment to create a new facility which, like the space acquired in Unit 5 in 2023, would be occupied by DSV Contract Logistics (one of the company's three divisions). DSV's requirements include direct access to the strategic road network and adequate parking and equate to a building with a total floorspace of c.56,791 sqm (GEA) including warehouse with a three-storey mezzanine and offices. External height should be 22m to the ridge. The development requires a plot of c.10 hectares.

DSV generally has direct involvement in the development of its facilities, acquiring land on a freehold basis to comply with business requirements. (Further detail is provided in DSV's supporting statement).

At September 2025, there were no units of the size DSV require within 10 miles of Mercia Park, and the Addendum provides the following market update (selected):

- Only 2 strategic-size units have been let in the entire M42 / A42 corridor in 2025
- Occupiers generally require:
 - Direct motorway access
 - Regular shaped development plots for units of 18,580+ sqm
 - Clear headroom of 15+ m
 - Sufficient yard space for HGV movements, loading/unloading and open storage
 - Sufficient dock doors
 - Building with enhanced energy efficiency
 - Ample car parking with EV charging
 - Sufficient power supply
 - High quality working environment
- A table in the Employment Land Statement Addendum lists 12 current, active occupier requirements in the M42 / A42 corridor. The addendum states “this is a demand that is considered to very much relate to North West Leicestershire”
- In addition, the applicant has received three direct enquiries from prospective occupiers.
- At October 2025, there are two “Grade A” quality strategic scale units available on the M42 / A42 corridor; there were four when the original Employment Land Statement was prepared in February 2025.
- Neither of the two available units have the minimum internal height of 15+m that occupiers generally require.
- This creates an immediate need for more new build space, particularly where second-hand buildings coming back onto the market are unlikely to achieve the minimum specification in terms of scale, height, yard space and power now being sought by occupiers.
- In this part of North West Leicestershire where the absence of any speculatively developed or existing units of a strategic scale is already creating a large gap in the District’s supply.
- The supply of land in the M42 / A42 corridor in North West Leicestershire is limited to G-Park. This is a build-to-suit site which has failed to secure an occupier, even in the face of strong demand.
- There are no other sites available in the M42 / A42 corridor for uses other than B8, creating a gap in the available supply of land for occupiers seeking larger sites for new purpose built premises for manufacturing use.
- There is a gap in the available supply of strategic scale land and floorspace in terms of size, type and location in an area which is acknowledged as a “Key Opportunity Area” in the emerging Local Plan where additional employment land and floorspace should be provided to meet market demand that is proven to exist.

DSV Supporting Statement:

- DSV has agreed terms with IM Properties to acquire the unit on Development Zone 1, subject to the grant of planning permission.
- DSV occupies c.1,000,000 sqft (c 92,900 sqm) at Mercia Park and it represents a Midlands regional hub. DSV currently supports nearly 550 jobs at Mercia Park with a mix of “blue” and “white collar” roles.
- Mercia Park’s location provides DSV with direct access to the strategic road network and it has proven to be an excellent base and environment to recruit and retain a talented workforce. The site lies in a prime location for ongoing distribution hubs.
- To accommodate further growth and best meet the requirements of its customers, the company has an immediate demand to expand its operations in this location.
- DSV has a substantial and specific property requirement. The company wishes to deliver this requirement at Mercia Park to further strengthen its existing logistics campus. DSV will acquire the site on a freehold basis.
- Focussing DSV growth at Junction 11 of the M42 also provides a central UK “flagship” location with direct access to major transport networks

- The functional connection with DSV's existing operations at Mercia relate to the shared DSV office at Unit 6 which houses senior management, finance and customs etc.
- There would also be benefits of expanding operations at Mercia Park in terms of promoting sustainable transport for all DSV employees, including the existing bus services.

The applicant's agent has confirmed that, following technical approvals, IM Properties (the applicant) would want to start enabling works late 2026 / early 2027. This would take around 12 months. They would then look to start construction of the full application unit at the end of 2027. They anticipate the unit could be operational by the end of 2028.

Applicant's Assessment of Alternative Allocated Sites

The Employment Land Statement Addendum identifies that there are two sites in North West Leicestershire able to accommodate such a large unit, namely "G-Park" in Ashby de la Zouch – which can accommodate a single unit of circa 70,000sqm – and Sawley Crossroads in Castle Donington (adjoining the Aldi unit), where full planning permission was recently granted for a single unit of circa 59,910sqm. Both could theoretically provide the requisite ceiling height, having consent for buildings 23m and 24m tall respectively.

The following comments are made:

- Neither are available for freehold purchase which is a specific requirement of DSV
- Distance would naturally not be conducive to the campus-style development that DSV have delivered at Mercia Park and wish to grow
- Employees would be unable to travel between the two facilities on foot. The application site brings greater scope to promote sustainable transport for all DSV employees (e.g. bus, pedestrian / cycle links) utilising the existing bus services (with routes to Tamworth and Burton on Trent)
- The alternative sites would also not enable the same streamlining of operations, nor the same enhancement of efficiencies in delivering goods and services to customers throughout the UK

Officers' Assessment of Applicant's Submission

The applicant's submissions explain the operational reasons why this location would suit DSV's needs, linked to its position on the strategic road network and its proximity to DSV's operations at Mercia Park. DSV is the identified end user and has agreed terms to purchase the unit once constructed. On the basis of what has been submitted, it is considered that there is a reasonable expectation that DSV would occupy the full element unit if planning permission was granted (and within the timescales set out above). Having regard to the above, it is considered that the information supplied would be sufficient to demonstrate an immediate demand for the full element unit to accord with Local Plan Policy Ec2(2).

Insofar as the outline element of the site is concerned, there are no identified end users at this stage. The submissions list the headline requirements for some 12 firms with an interest in premises in the M42 / A42 corridor. From the summary details provided, 10 of these requirements could be met on the outline element site, indicating a level of potential interest (albeit the details are limited). The fact these enquiries are listed as "current" suggests, however, an intention / desire to move within a limited timeframe. Six of the enquires are for B8 use, two are for B2 and two are for B2 / B8. More specifically, the applicant has received three approaches from firms interested in taking space on the outline element of the site. Two are for B8 use and one is a manufacturer (B2). Whilst it is considered that there is no certainty that any of the firms searching for premises in the M42 / A42 corridor, or expressing an initial interest in the outline element of the site specifically, would necessarily proceed to occupy a unit there, and whilst the evidence in support of potential B2 use seems less significant, the level of interest for B8 use in particular would be considered to indicate that the potential interest is of a sufficient scale to give some confidence that a unit on the site would be occupied within a reasonable timeframe if planning permission was granted.

Taken as a whole, therefore, it is considered that the “immediate demand” aspect of Policy Ec2(2) has been clearly demonstrated in respect of the full element part of the site which takes up more than 50% of the site, and also that there is a strong prospect of “immediate demand” for the outline application part.

Policy Ec2(2) also requires the consideration of whether the immediate demand (or need) for additional land can be met on alternative, allocated sites. Local Plan Policy Ec1 identifies the sites at the former Lounge Disposal Point (“G-Park”) and the site at Sawley Crossroads (adjacent to the Aldi unit). In terms of these sites, the following points are noted:

G-Park:

A reserved matters application has recently been submitted (25/01411/REMM) for the erection of a 70,000 square metre B8 distribution unit on this site. This is a substantially larger unit than either of those proposed for the Mercia Park site, so would seem unlikely to be of interest to occupiers considering the Mercia Park site; its location also does not offer the same operational benefits for DSV in terms of proximity to their existing operations. In addition, a smaller unit on this site would result in the sterilisation of the remainder of the site. On this basis, it is accepted that G-Park is not likely to provide a realistic alternative to the proposals for the application site.

Sawley Crossroads:

The site at Sawley Crossroads has recently been granted planning permission for a single unit of some 59,910 sqm (24/01200/FULM), and is therefore more likely to be a suitable alternative than the G-Park unit in terms of size, albeit it is still considerably larger than the Mercia Park outline unit in particular. Also, however (and as per G-Park), the co-locational benefits to DSV would not be available.

Having regard to the above, it is accepted that the applicant has successfully demonstrated the immediate demand for additional employment land in North West Leicestershire which cannot be met on sites allocated in the plan.

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 Local Plan for strategic warehousing, subject to the outcomes of transport modelling, viability assessment and infrastructure requirements (as per the Local Plan Committee of 19 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 NPPF Paragraph 49, 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 District Council’s Planning Policy and Land Charges team have assessed all the realistic candidate sites along the M42 / A42 as part of the 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 below) this indicates that there are no technical constraints to development which cannot be overcome through mitigation.

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

- There is a substantial future need which will necessitate the development of suitable sites in North West Leicestershire

- 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
- 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.

Conclusions in Respect of Need or Demand and the Emerging Local Plan:

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); consideration of the scheme's performance against the subsequent criteria (a), (b) and (c) within Ec2(2) is in effect addressed under *Detailed Issues* below.

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 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)).

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application (and including those addressed within the Environmental Statement) is set out in more detail below. The Environmental Statement considers the environmental effects of the proposed development, both in their own right, and also cumulatively with a number of other developments within the District (including the existing Mercia Park development, the proposed Measham Waterside project (Burton Road, Measham), wind turbines at Barns Heath Farm, Appleby Magna, and two proposed residential development schemes in Measham (Abney Drive and Ashby Road).

Assessment of Alternatives

The Environmental Statement sets out alternatives in terms of alternative designs. In terms of this issue, the Environmental Statement refers to pre-application discussions with the Local Planning Authority, and setting out the process by which the currently proposed design was reached. In particular, it notes that the design of the proposed scheme has evolved in response to technical studies, surveys and modelling, taking into account environmental constraints and opportunities, as well as feedback provided in pre-application meetings and during stakeholder engagement. The “design” elements assessed cover a broad range of factors, including landscape and visual impact, transport and access, biodiversity, climate change, noise and flood risk. Further assessment of the design quality of the scheme is set out under the relevant section below.

Agricultural Land Quality

Policy En6 of the adopted North West Leicestershire Local Plan provides that development should avoid any unacceptably adverse impact upon soils of high environmental value, and explanatory paragraph 5.26 of the Local Plan provides that *“Whilst policy seeks to facilitate the diversification of the rural economy, there are also benefits to the protection of the best and most versatile agricultural land. Where appropriate we shall seek the use of areas of poorer quality land in preference to that of agricultural land of a higher quality”*. Paragraph 187 of the NPPF provides that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst others, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Footnote 65 to Paragraph 188 suggests that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to those of a higher quality. BMV agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification.

In terms of the agricultural land quality of the site, the Environmental Statement (based on its accompanying Soils and Agricultural Land Quality report) identifies it as follows:

Grade 2:	16.9ha (58%)
Grade 3b	10.9ha (38%)
Non-agricultural:	1.5ha (4%)

The Grade 2 land broadly corresponds to soils identified as “loamy” and the Grade 3b land to soils identified as “heavy slowly permeable”; no Grade 3a land is identified.

As such, 16.9ha of the site (equivalent to 58% of the site (or circa 61% of the agricultural land within the site)) would be BMV. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process and the loss of 20 or more hectares is generally considered significant.

Insofar as the impact on the existing agricultural business is concerned, the agents confirm that the land is currently farmed by the occupiers of Park Farm (to the west of the site, on the opposite side of the A444), and that the tenants are supportive of the development and consider that the re-use of the land for non-agricultural purposes would not affect their business.

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 to be unacceptable when weighed against all other material considerations.

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 provides that development close to an Air Quality Management Area (AQMA) will be supported where an application is accompanied by a detailed assessment of the issues, and where appropriate mitigation is identified. 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 site is not located within an AQMA, and the Environmental Statement indicates that the closest one is within the District of Lichfield, approximately 14.1km from the site; the closest AQMA within North West Leicestershire is at Copt Oak, approximately 17km from the site. In terms of other air quality issues, the Environmental Statement (and its appendices) considers the impacts of construction works (principally associated with construction dust) along with any operational impacts (vehicular impacts). Fourteen existing sensitive receptors (a range of locations in the surrounding area, including addresses in Stretton en le Field, No Man's Heath, Appleby Parva and Measham) have been used for the purposes of modelling potential impacts.

Construction Impacts

Insofar as the construction phase is concerned, the Environmental Statement indicates that, as per the scoping assessment, the following effects would not be significant (in EIA terms)

- Nuisance, disturbance and reduction in human health as a result of dust from construction activities;
- Disturbance and habitat quality reduction at ecological receptors as a result of dust from construction activities;
- Increased airborne pollution and change to local air quality and resultant impacts on human health as a result of emissions from vehicle exhausts during construction activities; and
- Increased airborne pollution and change to local air quality and resultant impacts on human health as a result of emissions from Non-Road Mobile Machinery (NRMM) vehicle exhausts during construction activities

Nevertheless, the Environmental Statement is informed by a Construction Dust Assessment. This identifies the relevant risks of construction dust on nearby receptors, and makes a number of recommendations in respect of mitigation.

Operational Impacts

In terms of the operational impacts, the Environmental Statement considers in particular the effects of nitrogen dioxide and particles associated with the development, including impacts arising from the additional traffic associated with the development once it is in use; emissions released from on-site energy plant during operational stage were not considered significant in EIA terms, and were scoped out from the detailed assessment.

In terms of nitrogen dioxide, the Environmental Statement states that the annual mean nitrogen dioxide concentrations would not be predicted to exceed the 40µg/m³ Air Quality Assessment Level (AQAL) in the assessment year (2027) at any of the sensitive receptors where the annual mean objective applies, or 60µg/m³ at any others. On this basis, the Environmental Statement identifies that the impact of the development would be negligible.

Similarly, annual concentrations of PM₁₀ and PM_{2.5} (i.e. particulate matter with an aerodynamic diameter of less than 10µm and 2.5µm respectively) would not be predicted to exceed the annual mean of 40µg/m³ at any sensitive receptors, nor would the exceedances take place on more than the 35 days permitted (and, again, would be considered to be a negligible impact.)

Mitigation in terms of the operational phase include measures related to use of an on-site all-electric energy strategy, provision of electric vehicle charging points, and implementation of measures designed to minimise employees' reliance on single occupancy vehicles through the submitted Framework Travel Plan.

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

Historic Environment

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

The submitted Environmental Statement includes assessment of the impacts in terms of archaeology; other matters (including built heritage) are addressed in a separate standalone Heritage Statement.

Designated Heritage Assets

In terms of designated heritage assets, the Environmental Statement identifies that the nearest designated archaeological asset is scheduled monument ref. 1011458 (Moated site, fishponds, formal garden and settlement earthworks east of St Michael's Church) in Appleby Magna, which lies 840m to the south-east of the site; it also confirms that there are no other designated archaeological assets within 1km of the site.

The Heritage Statement considers the impacts on designated assets within a 1km radius of the edge of the application site, including four listed buildings (namely the Church of St Michael, Stretton en le Field, Park Farmhouse, Stretton en le Field, and the Old Rectory, Appleby Magna (together with its associated Coach House and Stables) and the Appleby Magna Conservation Area). There are no scheduled monuments within 1km of the site. Whereas the District Council's (former) Conservation Officer had initially raised the need to consider the impact on the Grade II Church of St Matthew in Chilcote (approximately 1.8km from the site), supplementary information provided by the applicant and a subsequent site visit has satisfied the Conservation Officer that there would be no harm to the setting of that asset.

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

Insofar as listed buildings are concerned, the Heritage Statement concludes as follows:

Church of St Michael (Grade II)*

The Church of St Michael is considered by the Heritage Statement to be of significance as the church of a small rural hamlet and is "primarily experienced and appreciated from within its own tranquil and secluded churchyard". It notes that the spire is visible in glimpses from the A444 and A42, and from the local public footpath network, in line with existing trees, but that dense areas of vegetation screen

the majority of views of the church from the west, south and east, including from the site and, as a result, incidental views of the surrounding rural landscape are, it states, concentrated northwards from the church.

The Heritage Statement acknowledges that the development would be visible in combination with the church spire in views from the A444 and A42, and from the local public footpath network, but notes that the proposed buildings would be separated from the church by intervening agricultural land and a dense belt of trees, and concludes that the significance of the Church of St Michael would be preserved.

In response to the application, the District Council's Conservation Officer had raised concerns in respect of the impact on the setting of the church, with harm identified to a significant view of its spire from the public footpath network to the south west of Oakthorpe and, to avoid or minimise that harm, has suggested installing screen planting either along the north eastern boundary of the application site (or off-site in a location to its north east). The applicant's agents disagree with this position, and contend that the extent of the "panorama" visible would be a "false view" (i.e. that, in reality, given the separation, the two features would not really be seen in the same view from this position). The agents also advise that, due to the need to provide SuDS in the north eastern part of the site, and the adverse impact on biodiversity enhancement if proposed wildflower planting was replaced by additional tree planting, further planting to screen the building from this direction would not be feasible. Regardless, however, they take the view that the proposals would not harm the significance of the church (although, if the Local Planning Authority were to disagree with this position, they suggest that any harm would be less than substantial).

For his part, the District Council's Conservation Officer did not agree with the contention that the panoramic view would be a "false" one, but suggested that the Council proceeds to consider the various points made in the overall planning balance. The officer view is that whilst there could be some harm arising (and whilst acknowledging the obliqueness of any "simultaneous" views of both the proposed development and church spire from the rights of way), any harm that is considered to arise would, in any event, be less than substantial in terms of severity.

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

The Heritage Statement indicates that the application site forms a part of the rural surroundings and setting of Park Farmhouse and notes that the fields situated within the northern part of the site were historically farmed by Park Farm. The Heritage Statement indicates that the site is, however, visually separated from the listed building by large modern metal sheds to the east of the farmhouse and areas of trees and vegetation. It also considers that the proposed landscaped edge along the western site boundary would filter views of built development from the farm complex and, that, as a result of its siting, the proposed development would not be visible in combination with the principal views of the listed building. Nevertheless, the Heritage Statement accepts that the site currently comprises part of the rural setting of Park Farmhouse and, notwithstanding the separation / intervening screening afforded by the modern farm buildings, there would be less than substantial harm to the setting and significance of the asset; the District Council's Conservation Officer agreed with this position.

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

Having regard to intervening buildings, trees, distance and topography (and including the M42 / A42), the Heritage Statement indicates that the proposed development would not be visible from the listed buildings, and no impacts on their significance would result.

Conservation Area

Insofar as the Appleby Magna Conservation Area is concerned, the Heritage Statement notes that, whilst part of the Conservation Area is located within the 1km distance, the development would not be visible from it. Due to the distance, the lack of intervisibility, and how the Conservation Area is experienced and appreciated, the Statement contends that there would be no effects on the

Conservation Area, and it has been scoped out of the assessment. The approach and conclusions in this regard are accepted as appropriate.

Conclusions in respect of Designated Heritage Assets

In view of the above conclusions, however, it is considered that some harm to the significance of other designated heritage assets (i.e. listed buildings) would arise (and, in particular, to the Church of St Michael and Park Farmhouse), but that this harm would be less than substantial. Paragraph 215 of the NPPF provides that, *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*. In this instance, therefore, any harm considered to arise in respect of the heritage assets needs to be weighed against the public benefits as outlined in this report. It is accepted that, given the limited impacts on designated heritage assets, those public benefits (and including the proposed development’s contributions to the economic and social strands of sustainable development as set out elsewhere within this report) would more than outweigh the less than substantial harm identified.

In accordance with the requirements of NPPF Paragraph 212, “great weight” should be given to the asset’s conservation and, notwithstanding the approach set out in Paragraph 215, regard nevertheless still needs to be had to the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, and when applying the duty under (in particular) Section 66 of the Act together with the tests set out in the Planning Practice Guidance, the view is taken that, whilst there would be a degree of harm to the settings of listed buildings as identified in the Heritage Statement, the overall impact would be acceptable. Whereas the officer view is that the impacts on the setting of St Michael’s Church would be greater than argued by the applicant, any harm arising would be considered to be less than substantial and, as set out above, would be acceptable overall when applying the test set out in Paragraph 215 of the NPPF.

Non-Designated Heritage Assets:

Insofar as non-designated heritage assets are concerned, the submitted Environmental Statement (informed by an accompanying Archaeological Assessment) identifies the relevant archaeological impacts of the proposed development.

In terms of potential impacts, the Archaeological Assessment identifies that there could be impacts on potential remains from the Romano-British period, and which comprise an enclosure and trackway running either side of the A444, in the western part of the site. These remains would, it suggests, be of “medium” importance, due to their date, and their potential relationship with Iron Age remains previously recovered during works associated with development of the existing Mercia Park development, and with a Roman farmstead discovered to the south east of the site. The Assessment states that the site was in agricultural use in the medieval period (and through to the modern period), and that agricultural remains have been identified, including elements of ridge and furrow cultivation, the remains of former field boundaries, and the partial survival of historic hedgerows. Whilst it is suggested that the potential for further archaeological remains of this date is high, such remains would, the Assessment states, also be likely to relate to agricultural activity and, thus, be of “negligible interest”.

In EIA terms, the Environmental Statement identifies the impacts to be those associated with the construction stage and, in particular, changes to ground levels within the site, such as those entailed in cut / fill operations; and / or construction of foundations. Given the level at which archaeological remains would be expected, and the nature of the proposed scheme (including landscaping, earthworks (including cut/fill) and planting, as well as surface water attenuation), the Environmental Statement indicates that it is assumed (in a worst-case scenario) that any remains of archaeological interest would be lost during the construction stage. Even where shallow foundations can be used, the Environmental Statement notes, it is likely that initial groundworks, including the removal of

overburden (topsoil), as well as earthworks (cut and fill), would be likely to truncate and or remove archaeological remains which, based on trial trench work, are generally at a relatively shallow depth.

Whilst the sensitivity of the remains of the possible Romano-British enclosure in the west of the site is considered to be low, the magnitude of change is (in EIA terms) considered to be large in that the remains would be expected to be lost during construction. Therefore, the Environmental Statement indicates, there is likely to be a direct, permanent, long-term, adverse effect on this feature, and which is considered to be “Minor to Moderate”. The sensitivity of post medieval agriculture remains is considered to be low but, as per the Romano-British enclosure, the magnitude of change is assessed as large in that they would be expected to be lost during construction. Again, therefore, the Environmental Statement suggests that there is likely to be a direct, permanent, long-term, “Minor to Moderate” adverse effect. Having regard to mitigation measures (including the implementation of archaeological investigation work), the Environmental Statement concludes that the residual effects would be “Not Significant”.

For its part, Leicestershire County Council's Archaeology team comments that assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, shows that the site lies in an area of significant archaeological potential. The Archaeology team advises that it welcomes the archaeological assessments submitted with the application, and agree that further archaeological works will be needed to ensure appropriate mitigation for the impacts on the archaeology from the proposed application. It recommends the implementation of an appropriate programme of archaeological investigation, including an archaeological strip and excavation of the archaeology, and that any planning permission granted be subject to the imposition of a planning condition requiring the approval and implementation of a written scheme of investigation.

In terms of other non-designated assets, the submitted Heritage Statement assesses the impacts on Stretton Park, an area of land associated with the former Stretton Hall in Stretton-en-le-Field, and now in use as agricultural land (although copses and tree belts associated with its parkland use survive).

The Heritage Statement notes that, whilst the surroundings of the parkland are rural in character, the degree of change to the use of land means that its historic interest can no longer be fully appreciated. As such, the Statement suggests, the significance of Stretton Park is best appreciated from within the former parkland itself, where remnants of copses and shelter belts can be viewed. It comments that, whilst the proposed development would be visible from Stretton Park, the proposals include a landscaped edge along the northern site boundary which would retain and enhance the existing treeline, and views of the proposed buildings would be filtered as planting establishes.

Paragraph 216 of the NPPF provides that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*. Having regard to the above findings in respect of non-designated assets, it is considered that only limited harm would arise. On this basis (and given the proposed development's contributions to the economic and social strands of sustainable development as set out elsewhere within this report), it is considered that the impacts on non-designated heritage assets would not indicate that planning permission should be withheld.

The proposals are therefore considered to be acceptable in terms of the impacts on heritage assets, and, overall, would perform well in respect of the principles set out in Local Plan Policy He1.

Ecology and Biodiversity

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 submitted Environmental Statement and other supporting documents include a detailed assessment of the ecological and biodiversity implications of the proposed development on various receptors of ecological value, informed by a range of ecological appraisals, surveys and reports, and including in respect of various protected species. In addition to assessment of the anticipated impacts, mitigation measures are also proposed (and including a range of measures detailed within a supporting Outline Habitat and Ecological Management and Monitoring Plan (HEMMP)). These documents have been assessed by Leicestershire County Council's Ecologist.

The applicant's Preliminary Ecological Appraisal provides that the closest statutorily designated site of nature conservation interest to the application site is approximately 980m from the site (being the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)); no other statutory sites are located within 2km of the site. Insofar as non-statutory designations are concerned, the Appraisal identifies a total of 42 sites within the 2km radius (including a range of potential Local Wildlife Sites (pLWSs), candidate Local Wildlife Sites (cLWSs) and historic Local Wildlife Sites (hLWSs)).

Habitats

Insofar as the main construction effects on habitats are concerned, the Environmental Statement identifies the following as likely to be significant:

- Partial loss of the A444 Roadside Verge cLWS;
- Loss of ecologically important habitats, comprising hedgerow, mature and semi-mature trees; and
- Short-term loss of supporting habitat for bats, mammals, amphibians and breeding and wintering birds

In terms of the A444 Roadside Verge cLWS, whilst the majority of this cLWS is outside of the application site, the Environmental Statement identifies that the scheme has the potential to result in minor encroachment / habitat loss of this feature (0.02ha approx.) so as to accommodate a new pedestrian / cycle crossing to the A444. However, it indicates that, whilst such loss would be permanent (and could not be directly mitigated for), the overall extent of habitat created of the same type / nature as that lost would offset any loss. In response to the application, the County Ecologist had queried the resulting damage to the cLWS, and had requested additional justification for this. In response, the applicant has submitted an additional Technical Note addressing the impacts on the cLWS. This Technical Note sets out the highways and transportation rationale behind the proposed works affecting the cLWS (including the need for the new pedestrian / cycle crossing to the A444, and for a lengthened "flare" to the nearside lane on the approach to M42 / A42 Junction 11). It also notes that, although the minor loss / encroachment into the verge cannot be avoided or directly mitigated for, it is not anticipated to affect significantly the integrity of the wider cLWS. Having reviewed the additional Technical Note, the County Ecologist confirms they consider the justification for the potential impacts on the cLWS acceptable.

With regards to the hedgerow and tree habitat impacts, the Environmental Statement notes that the native hedgerows on the site are priority habitats on the Local Biodiversity Action Plan (BAP) and meet Habitat of Principal Importance criteria. The hedgerows also, the Environmental Statement accepts, provide valuable wildlife corridors and are of "Local" importance for nature conservation. The agents confirm that, of the existing hedgerows within the site, 2,553m would be retained, but a total of 893m would need to be removed so as to accommodate the proposed scheme. The Environmental Statement acknowledges that the loss of hedgerows cannot be directly mitigated for

and would be likely to result in the disruption of ecological connectivity in the short to medium-term. However, as a result of the planting of new species-rich native hedgerow (totalling 2.97 km), this initial loss of hedgerows would be considered to be compensated for in the medium to long-term, constituting a minor adverse effect. Further details of the scheme's performance in respect of hedgerow units (in Biodiversity Net Gain (BNG) terms) is set out in further detail below.

The Environmental Statement notes that the mature and semi-mature scattered trees (predominantly located within hedgerows) on-site are of intrinsic value and cannot be replaced in the short-to medium-term. Following clarification from the agent (and whilst the Environmental Statement comments that majority of boundary trees would be retained), the proposed development would require the removal of 26 individual trees and 5 groups trees. In terms of the arboricultural quality of the trees proposed to be removed, further assessment of this issue is set out in the section below relating to *Landscape and Visual Impact*.

The Environmental Statement suggests that the loss of these trees cannot be avoided or directly mitigated for, but notes that new native tree and woodland planting has been incorporated into the design of the proposed scheme and argues that, in the medium to long-term, its establishment would be considered to compensate for the initial loss of the existing mature and semi-mature trees referred to above.

Insofar as supporting habitat during the construction phase is concerned, the Environmental Statement identifies that habitats within the site have the potential to support a range of protected / notable species, including bats, badgers, other terrestrial mammals such as hedgehog and brown hare, common amphibians and breeding and wintering birds. As European Protected species 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 Environmental Statement notes that the initial loss of supporting habitat is likely to result in the temporary displacement of these species from the site. However, the Environmental Statement suggests, the retention and protection of suitable habitat around the site peripheries (secured by way of the implementation of measures outlined in the submitted Construction Ecological Management Plan (CEcMP)) would, when taking into account the presence of suitable habitats within the surrounding landscape, be considered to mitigate the effect to some extent. On this basis, the identified adverse effect is indicated as being temporary (in the short to medium term), constituting a minor adverse effect overall.

In terms of those habitats effects arising at the operational stage, the Environmental Statement identifies these as potentially including:

- Long-term loss of supporting habitat for skylarks
- Degradation of habitats due to inappropriate management
- Killing or injuring nesting birds during habitat management

Of these, the second two are considered to have negligible residual effects, having regard to various measures, including the implementation of the submitted HEMMP and the implementation of any measures likely to affect nesting birds being carried out outside of the nesting season.

Insofar as the potential impact on skylark habitat is concerned, the development would result in the loss of all existing arable habitat, resulting in two skylark territories within the site being permanently displaced into the surrounding habitats. However, the Environmental Statement suggests that extensive arable farmland is abundant in the surrounding area, and would be likely to have the capacity to accommodate a small number of additional territories. On this basis, the impacts are identified as constituting a minor adverse effect.

Biodiversity Net Gain

In addition to the documents referred to above, the application is accompanied by a Biodiversity Statement and Metric Assessment of the proposed development, identifying proposed works associated with complying with the mandatory requirement for 10% Biodiversity Net Gain (BNG), together with the relevant statutory BNG metric. The submitted metric indicates that, in terms of the on-site baseline, there are currently 74.34 habitat units, 42.98 hedgerow units, and 2.86 watercourse units. As above, the scheme is accompanied by a range of on-site landscaping measures, with the on-site post-intervention mitigation totalling 81.96 habitat units 53.55 hedgerow units, and 3.55 watercourse units. This equates to the following:

Habitat Units:	Increase of 7.62 units (+10.26%)
Hedgerow Units:	Increase of 10.57 units (+24.60%)
Watercourse Units:	Increase of 0.69 units (+23.91%)

On this basis, the required minimum level of BNG would be achieved on-site, in accordance with Schedule 7A of the Town and Country Planning Act 1990. It is proposed to enter into a Section 106 obligation (and / or conservation covenant) in order to secure the statutory BNG and associated maintenance and monitoring; relevant conditions are also recommended to be attached, and as set out in the formal recommendation.

Protected Species

Insofar as the effects upon specific species are concerned, the Environmental Statement includes a Protected Species Survey Report. This identifies as follows:

Aquatic Mammals:

No evidence of water vole or otter was recorded during the surveys, and the likelihood of aquatic mammals being present on site is considered negligible, and no direct impacts would be anticipated. However, given that otters are known to use the River Mease (and which is hydrologically linked to the existing ditch / watercourse adjacent to the site), appropriate pollution prevention measures (secured through the CEcMP) are recommended.

Badgers:

No badger setts were recorded, although evidence suggests that badgers utilise the site for commuting purposes, and the Protected Species Survey Report suggests that it is possible that they may also forage on the site (albeit the intensively managed nature of the site and its dominance of arable crops would suggest that it would offer limited foraging resources). Similarly, the loss of areas of intensively managed arable farmland would not be considered to result in a significant impact upon badger foraging. Nevertheless, given the suitability of the site and its surroundings for badger, the Protected Species Survey Report suggests that it is possible that badgers may colonise the site and excavate setts in the area prior to works commencing. As such, appropriate safeguards (including a pre-works walkover of the site) are proposed to be secured through the CEcMP. The Protected Species Survey Report also recommends that any retained / created habitat for badger should be subject to long term management secured by the HEMMP.

Bats:

The Protected Species Survey Report identifies that potential impacts on bat species as a result of the development include loss of roost sites, loss or fragmentation of foraging and commuting habitat, and fragmentation of habitat due to lighting.

In terms of roost sites, the Protected Species Survey Report notes that the scheme would result in the loss of a poplar tree previously identified as supporting a day roost for common pipistrelle, but that the tree partially collapsed due to storm damage during the winter of 2023-24, limiting its potential for supporting roosting bats with no subsequent evidence found of its use for this purpose; no other bat roosts were identified within any of the other surveyed trees.

Insofar as loss or fragmentation of foraging and commuting habitat is concerned, the Protected Species Survey comments that, although the development would result in the short-term loss of

some suitable foraging / commuting habitat, providing that the integrity of site boundaries is maintained to minimise fragmentation, it argues that the bat foraging and commuting features within the site would not be significantly impacted as a result of the scheme.

Impacts on bats in terms of the introduction of new lighting would not, the Protected Species Survey Report states, be significant if illumination of key bat habitat (including retained hedgerows and trees and newly created habitats in the northern part of the site) is minimised so as to have no unacceptable impacts.

In terms of mitigation measures, the Protected Species Survey Report recommends the installation of bat boxes, and the use of a Precautionary Working Method Statement (PWMS), proposed to be secured through the CEcMP, and that any retained / created habitat for bats be subject to long term management implemented through the HEMMP.

Birds:

The Protected Species Survey Report indicates that the site supports a low number of breeding bird territories and overall low numbers of wintering bird species. Furthermore, it suggests that, other than the issues raised in respect of skylark (see above), the majority of species recorded are considered to be common and “generalist” species which are able to exploit a wide variety of habitat types. Due to the potential presence of nesting birds on the site, the Protected Species Survey Report recommends that appropriate safeguards be implemented through the CEcMP to minimise the risk of harm to nesting birds in the event that construction works are undertaken during the nesting season

Amphibians / Great Crested Newts:

The Protected Species Survey Report identifies a number of ponds within (and within 500m of) the site; of these, the majority have been scoped out of the survey work due to their distance from the site and the presence of significant barriers in between (including major roads). Of those ponds (three in total) that have been surveyed, however, two were found to be dry, and only the remaining pond (Pond P2, located 30m to the north of the site) has been subject to a Habitat Suitability Index (HSI) Assessment in order to determine its suitability for Great Crested Newts (GCN), identifying an HSI score of 0.59 (below average). An eDNA survey has also been conducted in respect of this pond (essentially searching for traces of GCN DNA in the pond to establish whether or not it has been used by GCN; this returned a negative result and, as such, the presence of GCN on the site is considered “highly unlikely”, indicating that the scheme would have no impact upon the favourable conservation status of the species.

In terms of common amphibians (including common frogs, common toads, smooth newts and palmate newts), the Protected Species Survey Report states that these have much broader habitat requirements than GCN and, therefore, it is possible that they may utilise Pond P2 for breeding (and, given the good connectivity between the pond and the site, there would be potential for common amphibian species to be present within the site itself). Accordingly, it recommends that appropriate safeguards should be implemented through the CEcMP.

Conclusion in respect of Protected Species

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

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

Case law sets out that Local Planning Authorities must engage with these three tests at the planning application stage and demonstrate that they are satisfied that the three tests have been met prior to

granting planning permission. In this case, it is considered that the tests would be met as (i) for the reasons set out under the section relating to *Approach to Determination and Principle of Development* above, it is considered that the site needs to be released for the proper operation of the planning system in the public interest; (ii) there are no alternative sites for the development (as set out in the section relating to *Approach to Determination and Principle of Development* above) and the works affecting the protected species would be necessary to enable the development to proceed in a logical / efficient manner; and (iii) the proposed mitigation measures would satisfactorily maintain the relevant species' status. It is therefore considered that the proposal would meet the requirements of the Habitats Regulations 2017 in respect of protected species, and would also comply with Local Plan Policy En1.

As above, the submissions have been considered by the County Ecologist; following justification in respect of the impacts on the cLWS, the County Ecologist confirms that no objections are raised to the development. Whilst Natural England has made comments in respect of the application, its detailed comments are limited to matters relating to impacts on the River Mease SAC / SSSI (considered in more detail later on in this report).

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

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

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

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

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI). The river lies approximately 980m from the site to the north. A tributary of the river lies approximately 360m to the east and 180m to the west. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required. As set out under *Approach to Determination and Principle of Development* 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. Local Plan Policies En1 and En2 set out the relevant requirements in respect of nature conservation (En1) and the River Mease SAC (En2).

Flood Risk

Insofar as fluvial flood risk is concerned, the application site lies within Flood Zone 1 (i.e. low probability of flooding) as defined on the Environment Agency's flood risk mapping and the District Council's Strategic Flood Risk Assessment (SFRA). As such, there is no requirement to apply the sequential test in this case insofar as this source of flooding is concerned.

In terms of other potential sources of flooding, the FRA indicates as follows:

Groundwater:

The site would be at negligible risk from groundwater flooding, based on the long-term flood risk mapping for the area. However, having regard to sandstone beds in the centre of the site and alluvium along its northern boundary, the FRA notes that the site is recorded as having some potential for groundwater flooding to occur. However, it also notes that the SFRA indicates that the subject site is located within an area defined as having a susceptibility to groundwater flooding of less than 25% (i.e. the lowest probability category). Based on the information reviewed, the FRA states that it is not envisaged that groundwater emergence / flooding would pose a flood risk to the proposed development, but nevertheless recommends that a site-specific ground water investigation be undertaken to further assess the implications of groundwater to the site. In particular, the FRA recommends that the depth to groundwater is established, along with a programme of ongoing monitoring, so as to enable the appropriate selection of surface water management assets.

Surface Water:

The FRA notes that, based on the Environment Agency's flood risk mapping, the site is located predominantly within an area of very low flood risk, although there are some areas at low, medium and high risk principally located centrally within the site between the two Development Zones, at the north western edge of Development Zone 2; whilst the mapping has been updated since the time that the FRA was prepared, this does not appear to have resulted in any significant changes to the extents of the various annual likelihoods of surface water flooding within the site.

Insofar as the sequential approach is concerned (in respect of the surface water element), it is noted that the unit proposed under the full application element of the application would be sited outside of any areas of surface water flooding. Whilst the siting of the outline element unit would remain to be determined at the reserved matters stage, it is noted that the footprint of the unit assumed for the purposes of the on-site drainage infrastructure would include a limited amount of the unit's floorspace provided within an area of low to high risk at its south western and north western edges. However, it is accepted that the unit would, if positioned in this location, represent a reasonable approach to the disposition of built development within the site, given the extent and location of areas identified as being at risk from surface water flooding; the majority of the areas of surface water flood risk are shown as being within the areas proposed to be occupied by SuDS / landscaping and car parking. Furthermore, however, it is noted that, based on the updated approach set out in the MHCLG's Planning Practice Guidance (Paragraph Ref. ID 7-027-20220825), the sequential test need not be applied where a site-specific flood risk assessment demonstrates clearly that the proposed 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. It is considered that this position would apply in this instance and, as such, the sequential test would no longer be applicable in respect of surface water.

Sewer Flooding:

The FRA notes that there are no public sewers within close vicinity of the site, with the closest foul sewers being located within Rectory Lane and Atherstone Road; on this basis the flood risk associated with Severn Trent Water apparatus is identified as being very low.

Reservoirs:

Based on the Environment Agency Reservoir Flood Risk map, the site is located within an area of very low flood risk of this form of flooding.

Proposed Surface Water Measures

In terms of the proposed surface water drainage system, the FRA includes a surface water drainage strategy which proposes incorporation of SuDS within the on-site drainage design. In particular, the FRA proposes a surface water discharge rate is proposed to be 28.5 l/s in all storm events up to the 1 in 100 year (+40% climate change) event (and based on a proposed post-development impermeable area of 17.9 ha). To achieve this, the proposed development includes SuDS features

(including attenuation basins) intended to manage surface water through attenuation on-site prior to off-site discharge, along with below ground cellular crate attenuation to store initial run-off. The Environmental Statement confirms that the proposed SuDS (and which would incorporate pollution management features) would treat run-off generated from the development. In terms of the proposed means of surface water treatment, the Environmental Statement states that this is inherent within the drainage design through the incorporation of these SuDS features and pollution prevention measures (e.g. full retention interceptors) prior to discharge. Surface water collection features (i.e. gullies and linear drains etc.), would also be provided with catchpits / silt traps where necessary, so as to mitigate silts entering the downstream drainage network. The Environmental Statement also notes that all surface water flows would be routed through the permeable paving, swales, and basins prior to discharge off-site. The attenuation basins would be located to the northern boundary of the site and, the Environmental Statement confirms, surface water would then be discharged to the existing land drainage network located adjacent to the northern site boundary.

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

Insofar as the amenity impacts of the proposed SuDS features are concerned, the District Council's Good Design for North West Leicestershire SPD provides that careful attention will need to be afforded to the softer design of headwalls to attenuation basins and seeks to avoid steeply sided SuDS features (and which, as a result, require the use of safety fencing, thus reducing their usefulness as open space). In this case, the proposed basins are considered to be of an appropriate profile, and would, it is considered, make a positive contribution to the amenity value of the newly-created public access land. In terms of the materials to be used in the external finishes of the proposed headwalls and any anti-fall barriers to the outfalls, the agent confirms that this could be dealt with by condition; this would be considered acceptable. The agent also confirms that (as per the existing Mercia Park scheme) the gradients of the SuDS features would not generally be steeper than 1:3 and, as such, no fences are proposed to be erected around them. As such, the proposed SuDS features would be considered to meet the Council's requirements in terms of their visual amenity value.

Water Quality

As a result of the formal EIA scoping process, construction stage effects have been scoped out of the EIA. Nevertheless, the Environmental Statement notes that all surface water run-off generated during construction would be controlled on site to prevent pollution, and is proposed to be secured by way of compliance with the Construction Environmental Management Plan (CEMP).

Insofar as the operational stage is concerned, the Environmental Statement confirms that the proposed SuDS features (and below ground cellular crate attenuation) would manage surface water through attenuation on-site prior to off-site discharge, and would include pollution management features to treat run-off. Surface water collection features (including gullies and linear drains) are proposed to be provided with catchpits / silt traps, so as to mitigate silts entering the downstream drainage network. It also confirms that relevant approvals from the LLFA and the Environment Agency would be to discharge surface water flows into the watercourse off-site.

In terms of impacts from foul drainage on water quality, the scheme proposes pumping out of foul flows (and as set out below) to a Severn Trent Water pumping station. The foul drainage would be returned to the River Tame to the north of Tamworth (having first been treated at the Severn Trent Water Wastewater Treatment centre in Tamworth). The Environmental Statement notes that Severn Trent Water have confirmed that its pumping station has the potential capacity to accept flows from the proposed development. (Further assessment in respect of the impacts on the River Mease SAC / SSSI is set out in more detail in the relevant section below.)

Foul Drainage

Insofar as foul drainage is concerned, and as per the current arrangements for the existing Mercia Park site, the scheme proposes pumping of foul sewage out of the catchment of the River Mease. This would be achieved by way of the previously installed pumping station located adjacent to the western edge of the existing Mercia Park site (approximately 1.6km from the centre of the proposed expansion site), and which, via a rising main, discharges to the foul network in Tamworth, approximately 10.3km from the existing Mercia Park site.

River Mease SAC / SSSI

As set out above, the site lies within the catchment area of the River Mease SAC / SSSI, and the application is accompanied by a Habitat Regulations Assessment (including a Shadow Appropriate Assessment) document (HRA) in order to enable the Local Planning Authority to undertake an Appropriate Assessment of potential impacts on the SAC. This information has previously been assessed on the Local Planning Authority's behalf by a specialist consultant (and with minor amendments made to the final document so as to reflect the Council's consultant's advice).

The applicant's HRA sets out the qualifying features of the SAC, the conservation objectives, the vulnerability of the SAC, and the SSSI's condition (which is currently "unfavourable"). In terms of potential effects on the SAC, the submitted HRA assesses these in respect of both the construction and operational phases, and in terms of in-combination effects with other plans or projects.

In terms of the shadow Appropriate Assessment (sAA) element of the submitted HRA document, the applicant's sAA identifies that the proposed development has the potential to, in the absence of mitigation, result in likely significant effects upon the interest features of the River Mease SAC as a result of water pollution (and during both the construction and operational phases). In order to mitigate for such potential effects in the construction phase, the sAA outlines various measures to be included within the applicant's Construction Ecological Management Plan (CEcMP) (included within the CEMP document). These measures include:

- Compliance with the Environment Agency's former Pollution Prevention Guidelines and CIRIA C532 (relating to the control of water pollution from construction sites)
- Implementation of measures to limit dust deposition
- Siting and means of storage of fuels, oils and chemicals
- Plant, equipment and wheel washing to be carried out in a designated area of hardstanding at least 20m from any waterbody
- Disinfection of boots / equipment before entering waterbodies
- Use of spill kits
- Silt control measures
- On-site ecologist presence
- No illumination of waterbodies

Insofar as the operational phase is concerned, the potential surface water impacts would, the HRA suggests, be mitigated against by way of limitation of surface water discharge rates to greenfield rates (QBAR), and the use of SuDS to control contaminants, including suspended solids, metals and hydrocarbons.

In March 2022 Natural England 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. Notwithstanding this, potential foul water impacts would, the HRA suggests, be mitigated against by the proposed pumping out of the River Mease catchment of the foul water discharges.

In addition to the CEMP / CEcMP measures, the HRA recommends the production of a monitoring and management plan for the proposed SuDS, and any future amendments to the scheme being subject to an updated assessment.

In response to the submitted HRA (and sAA), the Council's consultant advised that the main HRA report used appropriate tools to identify the Mease SAC as the only European designated site within a 10 km search radius, and went on to show that a hydrological connection between the development site and the River Mease resulted in a potential impact pathway for risks to the SAC due to water pollution and changes in run-off rates. The Council's consultant agreed with the assessment that these risks could materialise during the project's construction (water pollution) and operational phases (water pollution and run-off rate change).

The submitted HRA document includes a screening assessment to determine which of the risks from the project need to be carried forward from Stage 1 to the Stage 2 AA; this limits the AA requirement to the risks of water pollution during the construction phase only. Whilst the Council's consultant had previously queried the screening out of operational phase water pollution risks, additional information has been included within the submitted HRA which, it is considered, provides additional justification addressing the potential for phosphorus discharges to increase as a result of the development, and demonstrates that the AA can reasonably be limited to the construction phase effects. For its part, Natural England agrees with the submitted HRA's conclusions that foul water discharges during the operational stage can be screened out; insofar as operational phase surface water run-off is concerned, Natural England notes that it is the Local Planning Authority's responsibility to determine this point, but nevertheless notes that the rationale provided by the developer appears to be in line with relevant guidance, and also advises that it considers that the proposed drainage strategy is sufficient to avoid an impact upon the River Mease SAC from operational phase surface water run-off. Whilst Natural England agrees that construction phase water pollution cannot be screened out, it considers that implementation of the CEMP would be likely to avoid an adverse effect on the integrity of the River Mease SAC.

The Council's consultant had recommended using the Natural England nutrient budget calculators as a "belt and braces" means of considering the potential impact of changes due to land use change (i.e. from agricultural to commercial / industrial type use) in terms of phosphorus in surface water run-off; whilst this is noted by the applicant, the submitted HRA document does not take this approach in that, whilst they could provide an ability to assess potential impacts of phosphorous in surface water runoff, given the nature of the development and the location of the affected water treatment works, it is the applicant's position that using the budget calculators would not be necessary. The Council's consultant acknowledges that use of the calculators is not strictly necessary (and was simply suggesting use as an additional "tool"), but accepts that, subject to CIRIA C808 guidance ("Using SuDS to reduce phosphorus in surface water runoff") being followed, there should be no issue in this regard.

The applicant's intention in submitting the HRA document with an incorporated sAA had been to provide the basis for the Local Planning Authority's own AA (and, in effect, enabling the Local Planning Authority to "adopt" the sAA if its findings were accepted, as per the approach taken at the time of the previous Mercia Park development). However, in response to the application, Natural England has commented that it considers that there could be risks to a Local Planning Authority if it were to simply adopt an applicant's own assessment and, as such, it is not proposed to take this approach.

However, for the reasons set out (and including the advice of the Council's consultant and Natural England), the overall findings set out within the submitted HRA document are accepted. For the reasons set out, the proposal will, either alone or in combination with other plans or projects, have no adverse effects on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and would comply with the Habitat Regulations and Local Plan Policies En1 and En2.

Conclusion in respect of Flood Risk, Drainage, Water Quality and River Mease

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

Climate Change

In addition to the climate change policies (including Local Plan Policies Cc2 and Cc3) set out under the section relating to *Flood Risk, Drainage, Water Quality and River Mease* above, Paragraph 164 of the NPPF provides that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and can help to reduce greenhouse gas emissions, such as through its location, orientation and design. In addition, Local Plan Policy D1 requires (in subsection (5)) that new development has regard to sustainable design and construction methods.

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

- Achievement of BREEAM "Excellent" (including in respect of the Water and Energy categories)
- Delivery of Net Zero Ready buildings (including the assessment and reduction of embodied carbon, and the reduction of operational emissions through efficient design and provision of low carbon renewable energy generation)
- Reduced embodied carbon through consideration of a range of measures such as lean design, and selection of low carbon materials
- Design in accordance with the energy hierarchy, aiming to reduce energy demand through passive design measures and a fabric first approach, with the provision of solar PV to provide onsite renewable energy generation, providing energy generation to match the regulated energy demand and achieve an Energy Performance Certificate (EPC) "A" rating
- Transport strategy and travel plan designed to achieve modal shift to more sustainable modes (including buses, cycling and EV cars)
- Achievement of an on-site biodiversity net gain in excess of 10%
- Provision of SuDS
- Incorporation of measures to make sustainable use of resources (e.g. sustainable timber, low Global Warming Potential (GWP) products and low carbon materials)
- Provision of space for the sorting and storage of waste, so as to facilitate recycling

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

Insofar as the Environmental Statement's assessment of climate change is concerned, this considers climate change issues in respect of the effects of the development on contributing towards climate change (climate change mitigation). The effects of climate change on the development itself (climate change adaptation and resilience) have been scoped out of the EIA process, having been found to not be significant at the EIA scoping stage as a result of the mitigation included within the scoping.

In terms of climate change mitigation, the Environmental Statement identifies (having regard to a number of sources including the manufacture of construction materials and products, the transport of workers, materials and waste on- and off-site, the consumption of fossil fuels and electricity by site plant and vehicles, and the treatment of residual construction waste), that the construction phase would be expected to result in greenhouse gas (GHG) emissions of 46,887tCO₂e (tonnes of carbon dioxide equivalent) over five years (or 9,377tCO₂e per year). For the purposes of comparison, this would be equivalent to 0.92% of annual baseline emissions in North West Leicestershire.

Insofar as the operational phase is concerned, the GHG emissions of the development are identified as including the generation of energy consumed by the proposed buildings (i.e. electricity used for heating, cooling, lighting and other uses). Whilst the Environmental Statement acknowledges that GHG emissions will also be generated as a result of additional operational activities (e.g. mains water consumption, wastewater treatment, and the transport and treatment of waste), the Environmental Statement states that emissions from such sources are considered to be likely to be small compared to emissions from energy consumption, and are therefore excluded from the assessment; it is considered that this approach is reasonable in this instance. Whereas it is noted that other operational transport emissions (including vehicles used by workers travelling to the site) are not included, the applicant's sustainability consultant advises that such emissions are not generally assessed, as they are very difficult to define. In particular, they comment that, as most development will involve an element of relocation and consolidation of operations and not just expansion of operations, not all of the traffic generated by the scheme is "new". Nevertheless, attention is drawn by the consultants to the Government's zero emissions vehicles strategy; as this strategy progresses, operational transport emissions will have a decreasing impact and will, the applicant's sustainability consultant considers, be zero for the majority of the development's lifespan. Again, the approach taken in the assessment is considered reasonable. Overall, the Environmental Statement identifies the construction and operational phase emissions as having a "minor adverse" effect on the global climate system.

Having regard to these conclusions, and given the range of measures proposed to be incorporated within the proposed scheme / design (and which in a number of cases go beyond the minimum requirements set out in relevant policies), it is considered that the proposed development would perform well in terms of the Local Plan's stated intention of seeking to help tackle climate change, as well as Paragraph 164 of the NPPF.

Landscape and Visual Impact

The issues in respect of the principle of development in this location outside Limits to Development are set out under *Approach to Determination and Principle of Development* above. However, Policy S3 of the adopted Local Plan also sets out criteria for assessing development in the countryside, and including in terms of its impacts on the appearance and character of the landscape. Criterion (c) of Policy Ec2(2) also requires that any employment proposals on land not so allocated are not detrimental to the amenities of 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.

The development has been assessed in terms of its landscape and visual effects both during and after construction. The Environmental Statement (and its accompanying Landscape and Visual Impact Assessment (LVIA)) identifies what the applicant's landscape consultants consider to be the site's Zone of Theoretical Visibility (ZTV) identifying locations surrounding the site where, having

regard to topography (but not taking into account intervening features such as buildings or vegetation), the locations from which the development would, in theory, be visible from (based on the maximum building heights set out under *Proposals and Background* above (i.e. 22m above the maximum FFL levels of 89.45m AOD and 82.80m AOD for the full and outline element buildings respectively), and when perceived at a height above ground at the receptor of 1.65m). This then informs the process of identifying the visual envelope (and which takes into account those other existing physical features limiting actual visibility of the site).

The site lies within National Character Area (NCA) Profile: 72: Mease / Sence Lowlands, and within the Regional Landscape Character Area Group 5 (Village Farmlands) (and, within that, Group 5A). Insofar as the Leicestershire and Rutland Historic Landscape Characterisation Project is concerned (and as referred to under Local Plan Policy S3, as set out above), the site would appear to include areas identified as “other large rectilinear fields”.

In terms of the site's current landscape condition, the LVIA comments that the historic integrity of the land to the south and east of Stretton-en-le-Field has been lost as there has been a widespread amount of land cover change over time. In particular, it notes that the development of the M42 / A42 has bisected the original field patterns and the creation of Junction 11 has resulted in the urbanisation of the area with the introduction of highway infrastructure and a hotel / motorway service area. Attention is also drawn to the existing Mercia Park development and the LVIA comments that, although the landscaping associated with the Mercia Park scheme development is starting to integrate it into the landscape, the original “openness” of the landscape no longer remains. The previous developments result in what the LVIA describes as a “mixed and disturbed” landscape, with a “severely diminished” sense of tranquillity. As a result, the LVIA, the existing condition of the site is considered to be “medium to low”.

Insofar as the site's existing landscape value is concerned, the LVIA notes that it is not within a nationally or locally designated area, is of “medium to low” condition (as noted above), is of “low to medium” scenic quality, is not “rare”, is of “low” conservation interest (due to its intensive agricultural use), has low recreational value (having regard to the absence of any public rights of way passing through it), is considered to have a “low” perceptual landscape value given its proximity to the M42 / A42 and Junction 11, and does not have any notable or recognised cultural associations. Overall, the LVIA suggests that the local landscape character of the site (within 500m) is “low to medium”.

In terms of the proposed landscaping, the submitted Design and Access Statement includes a Landscape Strategy (LS). The LS notes that the site sits within an area of gently rolling countryside, with large arable fields divided by hedgerows, hedgerow trees and large woodland blocks and (as referred to above), land to the north previously fell within a historical parkland linked to the former Stretton Hall; the LS states that the aim of the approach to landscaping is to replicate as far as possible the existing character of the landscape using features of the types referred to above. It also states that, as the site is large, the approach is to try to screen as much of the development proposals as possible by the use of landscape features, maintaining a significant landscaped boundary to the periphery of the site, and incorporating significant mounding to screen the development at low level and provide instant height to the proposed planting.

The landscape strategy emphasises primarily native planting, including both shrub and tree, as well as woodland planting, and proposes the establishment of 3.9 hectares of new woodland. The Environmental Statement identifies that the proposed woodland blocks, scrub and tree belts would comprise over 30,000 trees; a further 176 individual specimen trees would also be planted, along with 800 linear metres of new native hedgerow (and serving to mitigate for much of the lost hedgerow identified under *Ecology and Biodiversity* above).

In terms of the landscape effects, the Environmental Statement / LVIA assess these in terms of both the construction and operational phases.

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

Land Use: Moderate to Major Adverse
Topography: Moderate to Major Adverse
Hydrology: Minor Adverse
Landscape Features: Minor to Moderate Adverse
Public Access: Negligible
Cultural Heritage: Negligible
Landscape Character:
NCA: Minor Adverse; 5A Village farmlands: Minor Adverse; Mease Sence Lowlands: Minor Adverse;
Local: Moderate Adverse

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

Land Use: Moderate to Major Adverse
Topography: Moderate to Major Adverse
Hydrology: Minor Beneficial
Landscape Features: Moderate Beneficial
Public Access: Minor Beneficial
Cultural Heritage: Minor Beneficial
Landscape Character:
NCA: Minor Adverse; 5A Village farmlands: Minor Adverse; Mease Sence Lowlands: Minor Adverse;
Local: Moderate Adverse

In terms of visual effects, the impacts on a total of 20 viewpoints (including two added in response to the request of the District Council's (former) Conservation Officer) are assessed.

During the construction stage, the Environmental Statement identifies that the introduction of features such as earthworks, temporary construction compounds, cranes, and construction vehicle activity would result in a "marked departure" from the agricultural baseline, temporarily altering the landscape character. The Environmental Statement acknowledges that these activities would disrupt field patterns and boundaries and, whilst some vegetation would be retained, the Environmental Statement identifies that the presence of machinery and temporary structures would nevertheless dominate. Other temporary effects would include the introduction of "visual clutter" and noise / movement. Some construction phase impacts (e.g. loss of agricultural land and the implementation of development plateaus) would result in permanent changes to the physical structure of the landscape, and would therefore remain as impacts at the operational stage.

Mitigation measures identified within the Environmental Statement include tree protection, retained vegetation, and controlled working practices. However, the Environmental Statement notes that these measures are incremental and do not fully address the temporary visual and physical disruptions caused by large-scale construction. Additionally, while "advanced" tree planting forms part of the strategic landscaping proposals, its effect during the construction stage would be limited, given the time required for planting to mature.

Operational phase mitigation measures identified within the LVIA include:

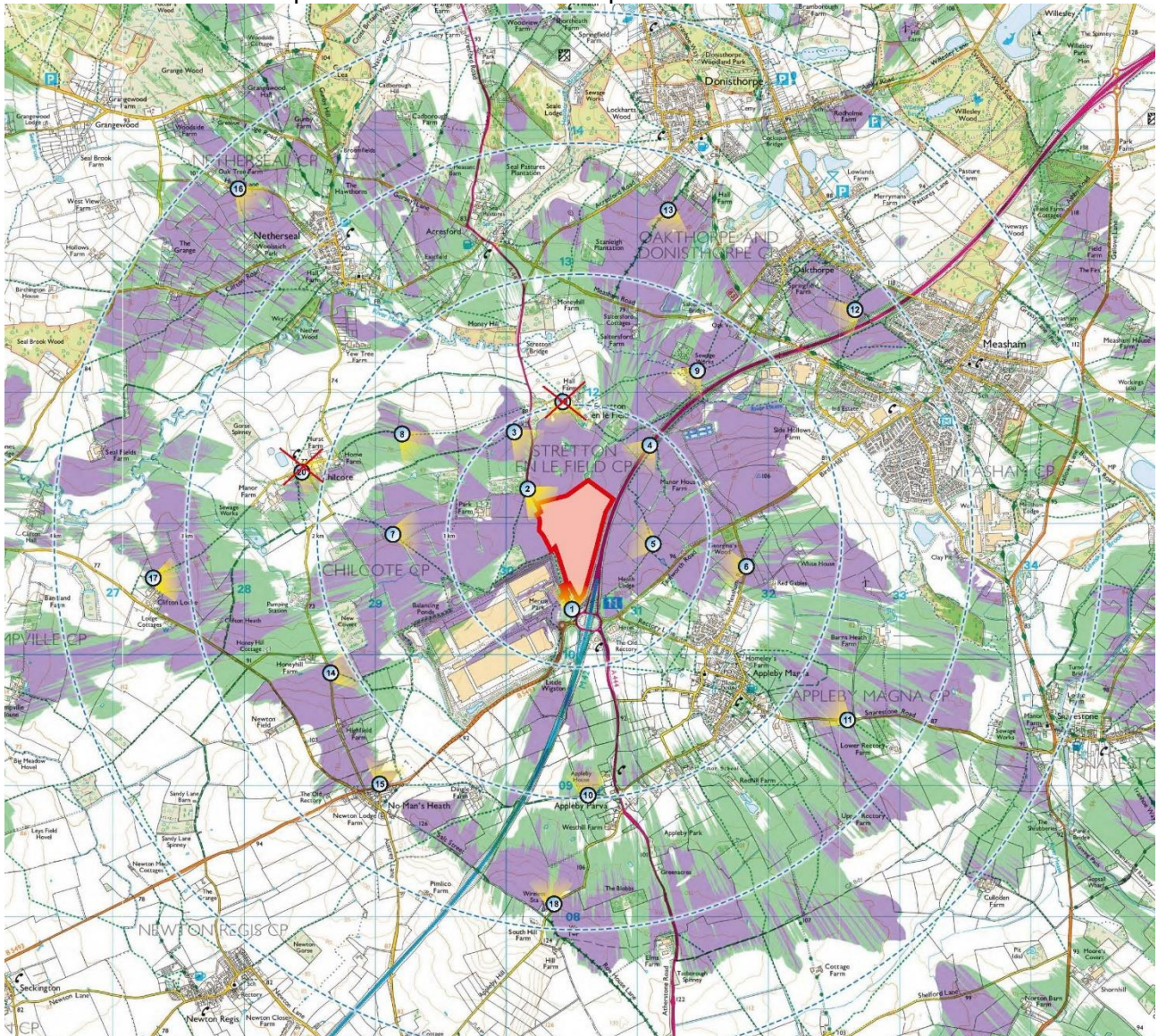
- Siting of the new access roundabout to enable retention of mature oak trees on the eastern side of the A444
- Retention, protection and "gapping up" of existing boundary planting
- Siting of "green" and "blue" infrastructure area along the northern boundary so as to link with the former Stretton Hall parkland

- Formation of mounds with re-used site topsoil (so as assist in “foreshortening” potential views and to provide visual relief within the landscaped areas)
- Siting of built development closest to the lowest value receptors (e.g. main roads)
- Use of pixilated cladding with light colours applied to the upper parts of buildings (so as to assist the “blending” of the upper parts of buildings with the skyline)
- Use of best practice measures to control lighting
- Reinstatement of roadside planting following the construction of the new island
- Long-term management of the perimeter and infrastructure forestry planting

For 2 of the 20 viewpoints assessed (additional views requested by the Conservation Officer), the LVIA notes that views towards the site are obstructed by existing vegetation and other features (even in winter), and no further assessment is undertaken. In terms of the impacts from the remaining 18, the Environmental Statement / LVIA identifies the residual impacts in Year 15 (and when taking into account the nature of the receptors at those points (i.e. residential, rights of way (RoW) users or motorists)) as follows:

Viewpoint No.	Location	Residual Impact	Receptors
1	A444 (adjacent to M42 / A42 Junction 11)	Minor adverse	Motorists
2	A444 / Public Right of Way P96	Moderate Adverse	Motorists and RoW users
3	A444 / Public Right of Way P97	Negligible to Minor Adverse	Motorists, RoW users and Residential
4	Public Right of Way Q3	Minor Adverse / Moderate Adverse	Motorists and RoW users
5	Public Right of Way Q3	Moderate to Major Adverse	RoW users
6	Measham Road, Appleby Magna / Public Right of Way Q15	Negligible	Motorists and RoW users
7	Public Right of Way P94	Minor Adverse	RoW users
8	Public Right of Way P99	Minor Adverse	RoW users
9	Public Rights of Way P78 / P79	Moderate to Minor Adverse	RoW users
10	Public Right of Way Q19	Negligible	RoW users
11	Public Right of Way Q22 / Snarestone Road, Appleby Magna	Negligible	Motorists and RoW users
12	Public Rights of Way P67 / P69	Minor to Moderate Adverse	RoW users
13	Public Right of Way P52	Minor Adverse	RoW users
14	Public Right of Way P95 / No Man's Heath Road, No Man's Heath	Negligible	Motorists and RoW users
15	B5493, No Man's Heath	Negligible	Motorists, RoW users and residential
16	Public Right of Way Netherseal FP18 / Hunt's Lane, Netherseal	Negligible	Motorists and RoW users
17	Public Right of Way Clifton Campville 8 / Clifton Lodge, Clifton Campville	Negligible	RoW users and Residential
18	Public Right of Way Q4A	Negligible	RoW users

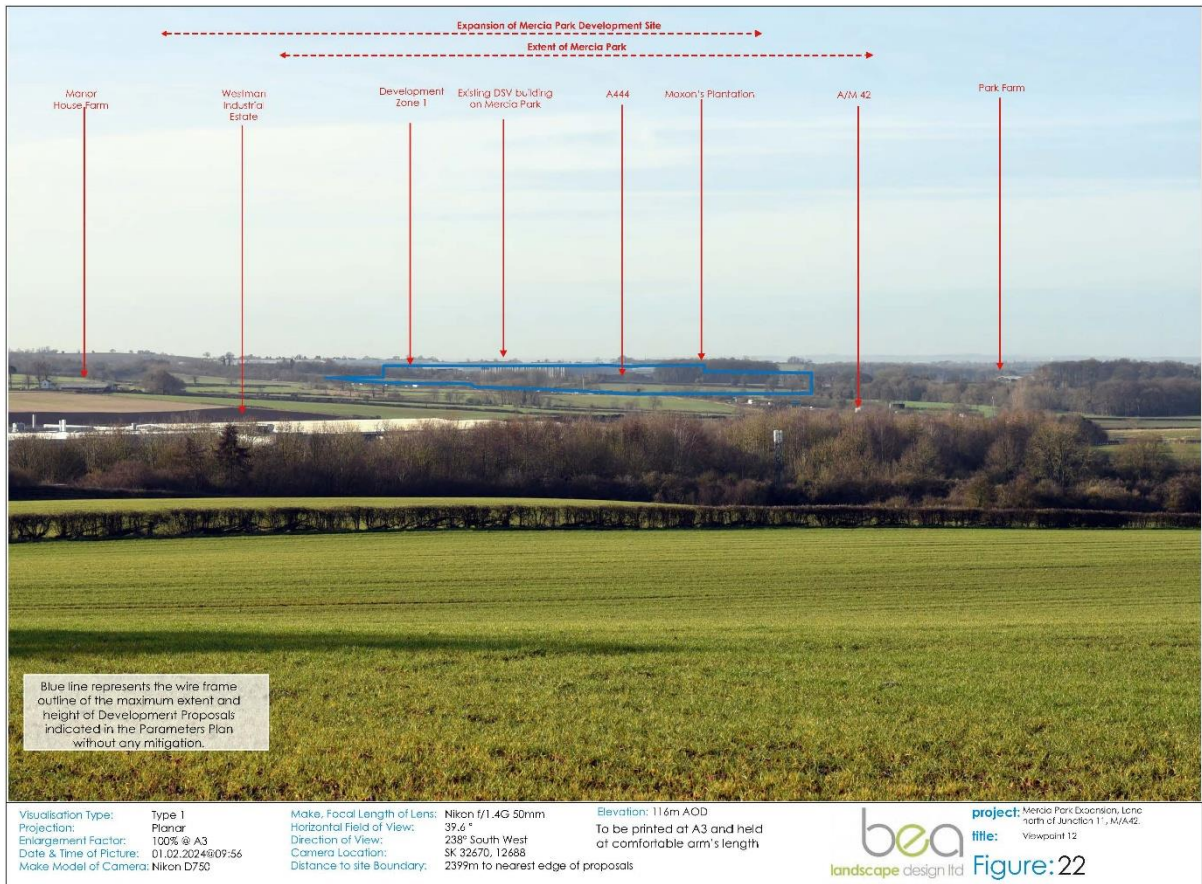
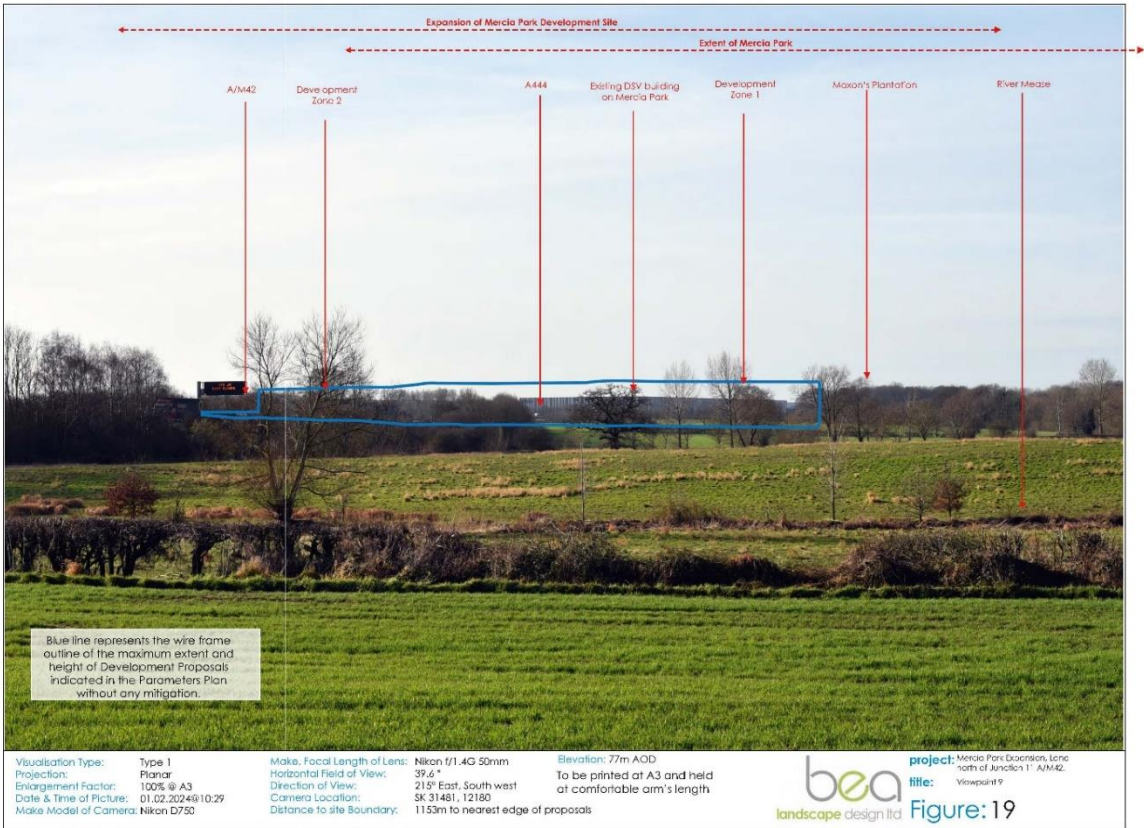
The locations of the viewpoints are identified on the plan below:



[NB The areas coloured purple are those where, theoretically, the development could be seen from, and the areas in white are those where views would not be possible (i.e. due to topography or intervening features in the landscape). Those shown in green are those where the area would be screened by vegetation in summer, but where some views may be possible during the winter.]

As noted, therefore, the most significant adverse effects identified in respect of the 18 viewpoints assessed would be “Moderate to Major Adverse” (viewpoint 5 above), and would be experienced principally by users of the right of way as they pass the application site on the opposite side of the A42.

The relevant viewpoint 5 is demonstrated on the image below:



[In addition to the impacts from the viewpoints outlined above, further consideration of the visual impacts / appearance of the scheme (having regard to the approach to materials), together with more detailed photomontages demonstrating the effects of these materials, is set out under the section relating to Design later in this report.]

Having regard to the viewpoints indicated above, it is considered that the proposed buildings would be of a significant scale, but it is nevertheless accepted that their impacts would, to some extent, be reduced by the various construction and operational phase mitigation measures. In particular, it is considered that the horizontal clad units erected to the existing Mercia Park development are reasonably successful in terms of how the cladding assists in “breaking up” their mass and “blending” into the sky (particularly in cloudy conditions). Clearly, the units would be of some considerable size (as, indeed, are the existing units on the established adjacent Mercia Park site), and it is not generally possible to screen such developments completely, whether from immediately adjacent land, nor from more distant views. However, the scheme is accompanied by a significant extent of new / retained landscaping which, when mature, would be considered likely to be reasonably successful in mitigating the impacts as far as is practical when dealing with development of this scale and nature. Clearly, some views of the development would remain in the longer-term (and as evidenced by the conclusions of the submitted LVIA), but it is considered that, when considering these landscape and visual impact issues in the overall planning balance, the scheme would not be unacceptable in this regard. The approach taken in terms of strategic landscaping is similar to that employed in the development of the existing Mercia Park site, and it is considered that, whilst views of that development will remain in the longer-term, a high level of mitigation through the planting and maturing of landscaping has taken place within a relatively short period of time (principally, it is considered, as a result of the extent of planting employed, and with effectiveness “accelerated” due to the use of more mature specimens (where appropriate), coupled with provision of landscaped bunds designed to maximise the efficacy of the landscaping planted).

Furthermore, it is acknowledged that much of the more significant visual impacts would be experienced from less sensitive locations (e.g. from the A42, rather than from, say, residential property), given the site’s location. The existing Mercia Park development would also serve to screen much of the proposed site, thus limiting the additional visual impact from the south west. Whereas views from the north and west would be more significant due to the greater exposure of the site from this direction, the more significant visual impacts would tend to be limited to those receptors in close proximity. From these directions, the principal receptors would be users of public rights of way; clearly the presence of the units would impact upon the experience of using (rural) rights of way, but the temporary nature of the impact (i.e. in terms of the length of time that rights of way users experience the impact, given their “transient” nature), these are considered less significant than, say, impacts on residential occupiers. There would also be more significant visual impacts when approaching the site from the north (i.e. when driving south along the A444). However, passing motorists are considered to be less sensitive receptors (again, given their transient nature) and, whilst views experienced on this road whilst heading south would be significantly altered, these impacts would not be considered unacceptable. (Similarly, the site would be prominent from the A42 but, again, such impacts are not considered inappropriate, having regard to the nature of the receptor). Whereas the site would be clearly visible from the countryside to the north of the site, views from the hamlet of Stretton en le Field would be likely to be very limited, given the established planting in this area.

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

is considered that the key criteria relevant to this part of the assessment would be (i) (safeguarding and enhancement of the appearance and character of the landscape) and (ii) (not undermining the physical and perceived separation and open undeveloped character between nearby settlements).

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

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

External Lighting

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

The application is also accompanied by a Lighting Assessment (and including an associated External Lighting Report), setting out the external lighting proposals associated with the development, and which include functional, amenity and security lighting to various areas of the site including access roads, vehicle movement areas, car parks and loading bays. The Assessment considers the proposed lighting design in accordance with various guidance notes published by the Institution of Lighting Professionals (ILP). Using the definitions set out in ILP guidance, the Assessment identifies the site as being within Environmental Lighting Zone E2 ("Rural", and which includes sparsely inhabited rural areas, villages or relatively dark suburban locations). It is considered that this categorisation would be appropriate in this location, given its surroundings. The External Lighting Report provides that calculations have been made to assess the horizontal and vertical illuminance produced by the lighting design, as well as light pollution intensities around the site in order to appraise the "light trespass" toward nearby stakeholders.

The External Lighting Report indicates that the luminaires have been selected so as to minimise upward light spill, glare, and backwards light spillage; it also confirms that all external lighting would be controlled with a photocell and time clock such that the lighting would be energised at low ambient lighting and would switch off during daylight hours. A total of five observer reference points in locations around the site (including the nearest residential properties) have been assessed, as well as in respect of a proposed ecological area to the northern edge of the site; in all locations the calculations undertaken identified that 0 lux was achieved to both the horizontal and vertical planes. No objections are raised by the District Council's Environmental Protection team.

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

Impacts on Existing Trees

As referred to under the section above relating to *Ecology and Biodiversity*, the proposed development would require the removal of 26 individual trees and 5 groups trees.

In terms of the quality of the trees proposed to be removed, the application is accompanied by a Tree Survey and an Arboricultural Impact Assessment (AIA). The submitted AIA identifies the proportions of the trees lost as follows:

Category A (High Quality / Value):	3%
Category B (Medium Quality / Value):	16%
Category C (Low Quality / Value):	49%
Category U (Unsuitable for Retention):	32%

Whereas this calculation would not reflect the fact that both individual trees and groups are included (and, hence, individual trees would attract the same “weighting” in the calculation as a group), it is nevertheless accepted that this demonstrates that the majority of trees lost would be in Categories C or U. It is also noted that there are no groups proposed to be removed that would fall within categories A or B, so this calculation would not be considered to “skew” the results in this way (and, if anything, given the low quality of the removed groups, the overall proportion of actual trees (if calculated individually) would indicate that the overall proportion of lower quality ones would be even greater than as suggested in the AIA’s calculation). As set out within the section above relating to *Ecology and Biodiversity*, the Environmental Statement suggests that the loss of these trees cannot be avoided or directly mitigated for, but notes that the new native tree and woodland planting would be considered to compensate for the initial loss of the existing trees referred to above.

In terms of the higher quality trees that would be lost, these include one Category A tree (tree T16, a Turkey oak). The submitted AIA notes that this is a “high quality and value tree”, required to be removed to allow for the formation of the new site access from the A444. The AIA states that its loss would be mitigated by its replacement with semi mature trees within the proposed development. Other higher value trees to be removed would include four Category B oaks and a Category B holly; all other trees lost would be either Category C or Category U.

In view of the form of development proposed and its general configuration (which, as above, is based partly on the premise of seeking to focus the built development away from the more sensitive edges as far as practical), it is accepted that the retention of the higher value trees (and, in particular, the Category A Turkey oak), would not be feasible (or, potentially, without leading to loss of other important trees instead).

The application has been assessed by Leicestershire County Council’s Principal Tree and Woodlands Manager who notes that trees and hedges located to the outer boundaries of the site are proposed for retention within the design of the scheme, and considers that the retention of the trees would provide appropriate screening of the development. Insofar as those trees and hedges that are “internal” to the site boundary (and are proposed for removal to facilitate the development) are concerned, the County Council agrees that the AIA makes a reasonable assessment of the arboricultural resource on site and identifies appropriate mitigation measures to ensure the protection of retained trees. The County Council considers that the submitted landscape planting plans and associated management plan indicate extensive new tree planting to mitigate for the loss of trees on the site, that they identify maintenance over a 20 year period, and that the proposed tree, shrub and woodland planting uses an appropriate pallet of species to both complement the site’s location in the wider landscape and, internally, to enhance and screen the site. No objections are raised subject to the imposition of a condition in respect of the approval and implementation of an Arboricultural Method Statement to specify working practices during construction.

Overall, however, it is considered that the majority of the most important trees on the site would be retained. Whilst the loss of trees otherwise worthy of retention would weigh against the development to a degree in the overall planning balance, when having regard to the limited amount of harm (in terms of the overall quantum of lost trees), and when taking into account the significant amount of new tree planting proposed as part of the landscaping proposals, it is considered that the harm that

would arise would not be so significant as to warrant refusal (whether on its own or in combination with other material considerations).

Conclusion in respect of Landscape and Visual Impact

The scheme would therefore be considered to be acceptable in terms of its landscape and visual impacts and, whilst a scheme of this nature and scale would inevitably have impacts that could not be mitigated in their entirety, it is accepted that, overall, the development would perform well insofar as the relevant tests set out in Local Plan Policies S3 and Ec3 are concerned.

Noise and Vibration and Neighbours' Amenities

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

Construction Noise and Vibration

The submitted Environmental Statement sets out the anticipated construction operations (and their associated equipment), and considers these in "average" and "worst-case" scenarios (i.e. when the operations would be approximately within the centre of the site, and when they would be at the periphery, closest to any noise sensitive premises).

Ten receptors for construction noise have been considered; the closest is Hilltop Cottages, located adjacent to the application site (between the site's southern edge and Junction 11 of the M42 / A42). Other receptors include Heath Lodge (Tamworth Road, Appleby Magna), the Appleby Park Hotel, Park Farm (to the west of the application site), Little Wigston, and five properties within the hamlet of Stretton en le Field.

Insofar as mitigation during the construction phase is concerned, the Environmental Statement draws attention to the range of measures set out in the submitted CEMP. These include:

- Limitation of site works to between 0700 and 1800 on Mondays to Fridays, and between 0700 and 1300 on Saturdays (with no working on Sundays or bank holidays) (save in specific circumstances)
- Use of standard construction plant / equipment (e.g. excavators, bulldozers, crushing machines, cranes, dumpers, scissor lifts, and cherry pickers etc.) during construction
- Implementation of traffic management system at site entrances
- Measures to minimise disturbance from reversing alarms
- Switching off of standing vehicle engines
- Operation of plant at low speeds
- Use of electrically powered equipment where possible
- Maintenance of plant / equipment
- Positioning of stationary plant (e.g. compressors and generators) away from sensitive locations, and giving consideration to temporary screening or enclosures for static noisy plant
- Orientating plant known to emit noise strongly in one direction so as to direct noise away from noise sensitive areas
- Closure of acoustic covers when engines are in use and idling
- Use of temporary spoil heaps to shield receptors from construction works
- Ensuring that contractors are aware of relevant BS guidance

In terms of the approach taken, the Environmental Statement takes account of the lowest existing ambient sound levels (rounded to the nearest 5dB), and which were recorded as below 65dB at all measurement positions (and, therefore, the 65dB criterion is applied for the daytime works at all

receptors). When taking into account the proposed mitigation, the Environmental Statement indicates that the predicted construction noise effects would be below the 65dB criterion at all times (and for all types of work) for all receptors other than Hilltop Cottages.

Insofar as Hilltop Cottages are concerned, the Environmental Statement identifies the adopted 65dB criterion is predicted to be exceeded by 10dB or more when site preparation and landscaping works are undertaken at their closest point to this receptor. It suggests, however, that this situation is only likely to occur for a short duration during the overall construction stage, as the works are only likely to be at their closest to the receptor for a limited period. Nevertheless, during these periods, the impact (in EIA terms) is identified as a direct, temporary, short-term, adverse effect of “major” magnitude.

For the majority of the periods of site preparation and landscaping works, however, (and where those works are located further away from Hilltop Cottages), the 65dB criterion is predicted to be met, and would also be achieved at the receptor during foundation, building erection and road surfacing works.

In terms of vibration effects during the construction phase, the Environmental Statement states that some elements of the construction works (e.g. heavy ground works or vibratory compaction) may generate perceptible levels of vibration at nearby receptors when they occur close to boundaries of the site near a receptor.

Other than Hilltop Cottages, all of the receptors assessed are at least 270m away from the site and, as such, vibration levels of more than 1mm/s are unlikely. For Hilltop Cottages, vibration levels of more than 1mm/s are also considered unlikely from general engineering works or rotary piling. However, the Environmental Statement identifies that, should any vibratory compaction be undertaken close to Hilltop Cottage, the vibration levels may exceed 1mm/s (albeit they would be unlikely to exceed 10mm/s (which is classed as a “medium” magnitude of change)). However, the Environmental Statement notes that this magnitude of change is only likely to occur for a very short duration and, therefore, there would be likely to be a direct, temporary, short-term, adverse effect identified as “moderate”.

Insofar as construction traffic noise is concerned, the Environmental Statement identifies that, given the likely traffic noise levels during construction when compared to that generated from existing traffic levels, the changes to traffic noise levels during construction would be “negligible”.

Post Construction / Operational Impacts

Insofar as the noise impacts arising from operation of the proposed development itself are concerned, these are considered within the Environmental Statement having regard to potential B2 use on Development Zone 2 (outline planning permission element of the site) so as to allow for a worst case scenario (in terms of noise levels within the buildings) (albeit use of refrigerated trailers etc. would be less likely in association with a B2 use than B8). Alternative layouts within the outline element area of the site are also assessed within the Environmental Statement (and include the impacts of, not only the additional noise generated by the respective schemes, but also the additional reduction of both existing and generated noise afforded by those layouts (e.g. due to the screening effect of new buildings and / or landscape bunds etc.)).

When compared to existing background noise levels, the Environmental Statement indicates that the proposed operational phase from the two assumed layouts would result in a rating level of greater magnitude at either 4 or 8 respectively of the 10 receptors at some point in the 24 hour period and with most of those increased noise levels vis-à-vis background noise associated with the 2300 to 0500 period. In particular this “early night” time noise would be predicted to be at a magnitude of 5dB above the background sound level at Park Farm in both scenarios. However, in all cases (other than Hilltop Cottages), the maximum night time noise levels would not exceed the 60dB set out in World Health Organisation (WHO) guidelines. Insofar as Hilltop Cottages are concerned, the Environmental Statement notes that the maximum noise level is predicted to be above 60dB (61dB) but less than

80dB and, on this basis, the magnitude of change would be classified as “small” if the number of exceedances of 60dB per night are no more than 15, or “medium” if the number of exceedances of 60dB per night are more than 15. In this instance, the predicted exceedance of 60dB would be due to shunters connecting to trailers in the service yard of Development Zone 1. Whereas the total number of exceedances per night would depend on the number of times this activity occurred during the night-time in the specific locations that would lead to the exceedance, the Environmental Statement indicates that the 60dB criterion would be predicted to be exceeded no more than 15 times per night, and therefore the magnitude of change would be “small”.

The impacts of traffic noise are also assessed within the Environmental Statement, comparing these against anticipated traffic levels (and its associated noise) in 2027 to a number of local roads in those years without the proposed development (and including impact from other traffic growth between the present time and 2027). The Environmental Statement explains that traffic noise predictions are based on assumed traffic speeds modelled in accordance with national guidance (“Calculation of Road Traffic Noise”), and have been carried out at notional receptor locations 10 metres from the edge of each carriageway and 1.5 metres above ground level, and that notional receptors have been used as it is the changes in traffic noise levels that are of relevance, rather than the absolute noise levels at any given receptor. These are summarised below (expressed in terms of $L_{A10,18hrs}$ dB, and with figures in brackets showing the increase compared to the 2024 baseline):

	2027 Without Development		2027 With Development	
	Day	Night	Day	Night
A444 North	72.0 (+0.4)	68.9 (+0.5)	72.2 (+0.6)	69.3 (+0.9)
A42 On Slip	69.9 (+0.6)	No data	70.4 (+1.1)	No data
A42 Off Slip	70.2 (+0.6)	63.4 (+1.7)	70.7 (+1.1)	65.0 (+3.3)
Tamworth Road	70.3 (+0.2)	64.3 (+0.4)	70.5 (+0.4)	64.6 (+0.7)
Rectory Lane	56.0 (+0.2)	No data	56.0 (+0.2)	No data
A444 Atherstone Road	69.0 (+0.6)	63.6 (+1.5)	69.5 (+1.1)	64.8 (+2.7)
M42 On Slip	71.5 (+0.9)	70.2 (+1.0)	72.1 (+1.5)	70.9 (+1.7)
M42 Off Slip	71.5 (+0.7)	66.4 (+1.6)	72.1 (+1.3)	67.9 (+3.1)
M42 Northbound (south of J11)	78.9 (+0.4)	76.6 (+0.4)	79.0 (+0.5)	76.8 (+0.6)
M42 Southbound (south of J11)	78.8 (+0.4)	77.2 (+0.5)	78.9 (+0.5)	77.3 (+0.6)
A42 Northbound (north of J11)	79.4 (+0.4)	76.9 (+0.4)	79.5 (+0.5)	77.0 (+0.5)
A42 Southbound (north of J11)	79.3 (+0.4)	77.3 (+0.4)	79.4 (+0.5)	77.5 (+0.6)
B5493	70.7 (+0.2)	64.6 (+0.3)	70.8 (+0.3)	64.8 (+0.5)

As can be seen from the above, the traffic noise impact during the day and the night would increase to all assessed routes with the development when compared to the no development scenario in both the day and night time scenarios, but the extent of the increase would vary from route to route, and with the M42 / A42 slip roads generally experiencing the greatest increase.

The Environmental Statement appendices also include equivalent data for the period 15 years after opening (2042) (and, again, in the context of anticipated noise levels both with and without the development, and in the daytime and nighttime scenarios when compared to the 2024 baseline). As above, the M42 / A42 slip roads would generally experience the greatest increase in noise.

	2042 Without Development		2042 With Development	
	Day	Night	Day	Night
A444 North	72.5 (+0.9)	69.4 (+1.0)	72.7 (+1.1)	69.8 (+1.4)
A42 On Slip	70.8 (+1.5)	No data	71.2 (+1.9)	No data
A42 Off Slip	71.1 (+1.5)	64.5 (+2.8)	71.5 (+1.9)	65.9 (+4.2)
Tamworth Road	70.9 (+0.8)	65.0 (+1.1)	71.0 (+0.9)	65.3 (+1.4)
Rectory Lane	56.9 (+1.1)	No data	56.9 (+1.1)	No data
A444 Atherstone Road	69.5 (+1.1)	64.2 (+2.1)	69.9 (+1.5)	65.3 (+3.2)
M42 On Slip	72.3 (+1.7)	71.1 (+1.9)	72.9 (+2.3)	71.7 (+2.5)
M42 Off Slip	72.4 (+1.6)	67.4 (+2.6)	72.9 (+2.1)	68.6 (+3.8)
M42 Northbound (south of J11)	79.8 (+1.3)	77.5 (+1.3)	79.9 (+1.4)	77.6 (+1.4)
M42 Southbound (south of J11)	79.7 (+1.3)	78.0 (+1.3)	79.8 (+1.4)	78.2 (+1.5)
A42 Northbound (north of J11)	80.3 (+1.3)	77.8 (+1.3)	80.4 (+1.4)	77.9 (+1.4)
A42 Southbound (north of J11)	80.2 (+1.3)	78.2 (+1.3)	80.3 (+1.4)	78.3 (+1.4)
B5493	71.3 (+0.8)	65.3 (+1.0)	71.4 (+0.9)	65.5 (+1.2)

In both the 2027 and 2042 scenarios, the Environmental Statement identifies that, in both the daytime and nighttime situations, the changes in noise levels from road traffic would for the most part be below +3dB which, using the methodology adopted within the Environmental Statement, would be identified as “small” in terms of magnitude of change (or, for those increases of less than +1dB, “negligible”). Whereas some increases listed above would fall within the “medium” category (increases of between +3.0 and +4.9dB), the Environmental Statement notes that that these are, for the most part, in locations not affecting sensitive receptors, or also include the effects of traffic growth unrelated to the proposed development.

It is noted that objections have been raised in terms of the impacts of increased traffic on the A444 through settlements to the north of the development (and including the noise impacts of this increased traffic, particularly HGVs). However, given the predicted distribution of vehicles from the development (i.e. with limited vehicles (particularly HGVs) expected to route via the A444 north of the site (and as set out in more detail within *Means of Access, Highways and Transportation* below)), the submitted details would, it is considered, demonstrate that the increase in traffic anticipated to result on the A444 would be likely to have very limited impacts in terms of noise.

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

Other Residential Amenity Impacts

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

Insofar as properties likely to be materially affected in this regard are concerned, the development would, it is considered, have some significant impacts on Hilltop Cottages.

In terms of the impacts on Hilltop Cottages arising from the proposed buildings themselves (and, in particular, the unit proposed under the full element of the hybrid application), it is noted that the

application proposes a unit of height 22m above an FFL of between 88.45m and 89.45m AOD (i.e. a maximum height of between 110.45m and 111.45m AOD).

In order to demonstrate the impacts, a detailed cross section of the proposed unit's relationship with Hilltop Cottages has been provided. Having regard to the proposed FFL of the unit (which would be at a lower level than the existing FFL of Hilltop Cottages), the top of the proposed unit would be approximately the same as the ridge height of the cottages (between 0.85m lower and 0.15 higher than Hilltop Cottages, depending on the final FFL adopted within the 1m tolerance proposed).



On this basis, and given the separation between the proposed unit and Hilltop Cottages (in the order of 275m), unacceptable impacts by way of overdominance or overshadowing would not be considered likely to arise. Insofar as the visual impacts on Hilltop Cottages are concerned, whilst the units would be of some considerable scale, it is noted that, in addition to the separation between the existing and proposed buildings, proposed intervening ground remodelling and landscaping (and as indicated on the illustrative section above) would serve to reduce intervisibility to some extent. The scheme is, therefore, considered acceptable in this regard, and complies with the relevant sections of Local Plan Policy D2.

Attention is also drawn to the relevant section within *Landscape and Visual Impact* above in respect of lighting, and the residential amenity implications thereof; as set out within that section, the scheme is considered acceptable in terms of this issue and this element of Local Plan Policy D2.

Conclusion in respect of Noise and Vibration and Neighbours' Amenities

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

Socio-Economic Issues

The Environmental Statement includes an assessment of the proposals' potential socio-economic impacts in terms of both the construction and operational phases (as well as their associated health benefits). The application is also supported by a separate Economic Benefits Statement identifying the economic benefits of the development at the construction and completion stages.

In terms of construction-related impacts, the submitted documents indicate that the proposed development would be expected to support approximately 415 "person-years" of direct employment, based on the average turnover per employee in the construction industry in the East Midlands; this would equate to an average of around 85 gross direct full time equivalent (FTE) construction-related jobs supported on and off-site each year over the duration of an indicative 5-year build period.

The submissions also identify net additional employment as a result of the construction (i.e. associated employment opportunities in the wider area during the build period). The applicant estimates that the construction of the development would directly generate 90 net direct and indirect / induced FTE jobs for residents of the Midlands (on average) during construction (and including 35 for residents of the local impact area (identified as comprising North West Leicestershire plus the districts / boroughs of Hinckley and Bosworth, Lichfield, North Warwickshire, South Derbyshire and Tamworth)). A further 30 indirect and induced FTE jobs are also expected to be supported annually across the Midlands through economic multiplier effects. Insofar as the overall impact on the

economy is concerned, the Economic Benefits Statement indicates that the total net additional Gross Value Added (GVA) would be £45.2m (including £37.7m within the local impact area).

Insofar as the operational phase is concerned, a gross of either 1,030 or 1,720 FTE posts are expected to be generated by the development (depending on whether the eventual scheme comprises two B8 units or one B2 and one B8 unit respectively; no separate figure is provided in respect of the potential E(g)(iii) use scenario). In terms of the precise number and nature of those jobs, the Economic Benefits Statement indicates that this will depend on the eventual occupiers, but states that they are likely to be varied in nature, full time, well paid (with earnings in the sector typically being 8% higher than the average for the Midlands) and “steady” (in terms of the number of working hours offered each week). As per the construction phase, additional direct and indirect / induced employment would also be expected to be generated, with either 1,160 or 1,940 FTE posts being supported in the two use class scenarios outlined above (including 435 or 730 posts respectively within the local impact area).

Having regard to both additional indirect employment associated with the development, net additional GVA is calculated as either £60.6m or £122.2m per annum in the wider impact area (under the two scenarios outlined above), with the respective local impact area figures being £42.2m and £91.4m per annum in the local impact area. The applicant’s calculations in respect of job creation have been made having regard to nationally published guidance (including calculated average figures in respect of jobs per square metre of floorspace for different uses as set out in the Homes and Communities Agency’s Employment Density Guide), and it is considered that the assumptions made by the applicant in respect of the level of economic activity generated are reasonable.

The application is also supported by a Social Value Strategy which seeks to identify opportunities in which the development can best provide economic and social benefits to nearby communities.

This sets out a range of measures intended to maximise the socio-economic benefits likely to be generated by the proposed development, and including:

Construction Phase:

- Advertising opportunities / vacancies and job-related training courses with the District Council and the Department for Work and Pensions (DWP)
- Offering work trials and interviews for suitable candidates
- Assessing local skills / workforce needs and tailoring recruitment strategies to help match prospective candidates to jobs
- Co-operating with local Further Education (FE) colleges, employment support and training providers to raise awareness of labour force requirements
- Provision of work placement / work experience opportunities to enhance the employability and work readiness of people from disadvantaged groups.
- Sourcing materials from the local impact area where possible
- Working with the District Council to identify local businesses that could tender for supply chain opportunities
- Partnering with local FE colleges to support job seeking residents wishing to upskill and re-skill
- Supporting training and the provision of on-site apprenticeships and apprenticeships through local education facilities
- Engaging with the careers hub and local educational providers to raise awareness of potential careers in construction and the built environment
- Engaging with local construction colleges and technical and secondary schools to deliver careers workshops, including mock interviews and CV advice

Operational Phase:

- Advertising opportunities / vacancies and job-related training courses with the District Council and the DWP

- Offering work trials and interviews for suitable candidates
- Engaging with the DWP and other intermediaries to promote Mercia Park vacancies in the locality
- Partnering with local FE colleges to support job seeking residents wishing to upskill and re-skill
- Engaging with the careers hub and local educational providers to raise awareness of potential careers in logistics
- Providing young people (18+) with the chance to gain site and project-related experience (including T-Level students and job seeking students)
- Forging closer relationships between local employment support, education and training service providers and employers at Mercia Park.

It is considered that these measures would be an appropriate means of helping to ensure that any positive economic benefits can be targeted as far as possible towards local areas. Whereas it is acknowledged in the submitted Economic Benefits Statement that an element of “leakage” of posts outside of the immediate area would be expected, it is considered that the above measures would help in maximising employment opportunities (both direct and within those businesses benefitting from associated economic activity) for local areas. These measures are similar to those agreed in respect of the original Mercia Park development and, as previously, the applicant proposes to secure these measures by way of Section 106 obligations. The applicant also proposes to enter into similar obligations as per the original Mercia Park scheme with respect to 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 submitted Economic Benefits Statement also indicates that the proposed development could generate £2.8m in new business rates, and notes that local authorities are able to retain at least 50% of the rates collected.

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

As above, business rates are collected by the District Council and the balance of the rates collected 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 authority is not receiving financial assistance by a Minister of the Crown and, whilst attention is drawn by the applicant to the business rates generated (and notwithstanding the Planning Practice Guidance advice on the weight that could be attracted to such a consideration in the event it was material), it is considered that the business rates generated would not constitute a local finance consideration under Section 70(4). As such, the business rates generated would not be a material consideration to which regard would need to be had under Section 70(2) in the determination of this planning application.

Mercia Park Community Fund

The submitted Social Value Strategy also sets out a range of other community commitments by the applicant in respect of the construction phase, and including making additional contributions to the Mercia Park Community Fund (a community fund originally established in association with the development of the existing Mercia Park scheme, and administered on the applicant's behalf by the Leicestershire and Rutland Community Foundation), and through which local community projects / groups are able to bid for grants. However, this is a separate matter considered to sit outside of the planning process and, as previously, would not be intended to form part of the planning application, nor be secured by way of Section 106 obligations. As per the view taken at the time that the original Mercia Park planning application was considered, and for the purposes of determining the current application, it is considered that this fund would not be a material planning consideration, and no weight should be attributed to it.

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 set out in the introduction above, the application is in part full and in part outline; the proposed vehicular access into the site from the A444 forms part of the full elements of the application, and includes a new three arm roundabout. In terms of other forms of access, the application proposes footways / cycleways to one side of the proposed main internal spine road and a pedestrian / cycle connection across the A444 to the existing Mercia Park site.

As set out under *Approach to Determination and Principle of Development* above, criteria under Local Plan Policies S3 and Ec2 include the requirements that any such development is accessible (or has the potential to be made accessible as a consequence of any planning permission granted for the development) by a choice of means of transport, and has good access to the strategic highway network. The submitted documents (including the Environmental Statement and associated Transport Assessment and Framework Travel Plan) have been assessed by both the County Highway Authority and National Highways, and their conclusions are set out in more detail below.

Site Accessibility

In terms of pedestrian and cycle connectivity, as set out above, the proposals include for pedestrian and cycle routes. Insofar as public transport is concerned, the Transport Assessment notes that the existing Mercia Park site is served by two bus services connecting the site to Burton upon Trent and Tamworth, with the timetables operated so as to coincide with shift changeovers; the Transport Assessment states that it is likely that the proposed additional site now applied for would operate with similar shifts.

The Transport Assessment comments that the existing bus services would be a suitable walking distance from the new site, and with timing of bus arrivals and departures such that there would be sufficient time for staff at the new site to make use of those existing services.

In terms of the existing Mercia Park bus services (and which route around the site via its internal loop road), these generally provide around four services daily (Mondays to Fridays and on Sunday nights) in each direction between the site and to each of the two destinations served (i.e. Burton upon Trent and Tamworth). The existing public transport enhancements were secured in respect of the original Mercia Park development by way of the implementation of a Sustainable Access and Transport

Strategy (SATS) scheme; the applicant proposes extending / continuing this scheme and further details will be provided on the Update Sheet.

Based on the submitted plans, the entrance to the proposed full element application unit would be in the order of 600m from the nearest Mercia Park bus stop. Whereas the proposed configuration of the outline element site is not known at this time, the walking route to the nearest part of that site to the Mercia Park bus stops would be approximately 850m (although, based on illustrative information provided by the applicant, the office accommodation in the outline part of the site would be expected to be in the region of 950m from the Mercia Park bus stops). By way of comparison, it is noted that the National Design Guide suggests that walking distance is 800m / a 10 minute walk, and the Leicestershire Highway Design Guide identifies a suitable walking distance to bus stops in rural areas of 800m.

In response to the application, the County Highway Authority had initially suggested that consideration be given to expanding the existing bus services to serve the expansion site directly. However, following discussions between the applicant and the bus service operator, it is understood that there would not be sufficient time in the timetable to allow for the extension of the service into the site. Nevertheless (and notwithstanding the likely distance between the outline part of the site and the existing Mercia Park bus stops), the County Highway Authority considers that the proposals are acceptable in this regard (and subject to the provision of the contributions as set out in more detail below). For its part, Active Travel England draws attention to a number of matters it considers ought to be addressed by way of conditions and / or contributions, including measures to help secure modal shift, and provision of infrastructure that complies with Local Transport Note (LTN) 1/20 (including in terms of the proposed A444 pedestrian / cycle crossing). In terms of these issues, the applicant confirms that the new crossing would comply with LTN1/20; attention is also drawn to the proposed layout which includes provision of a new bus layby with supporting infrastructure should future services call into the site.

The submitted Framework Travel Plan identifies that, having regard to the 2011 Census Journey to Work data for this area, 86% of people who work in the area travel by car (80% of the total as single occupancy car drivers, and 6% as passengers). The Travel Plan aims to reduce single occupancy car journeys to 72% by year 5 of operation. Notwithstanding the proposed sustainable transport measures for employees, therefore, it is noted that, overall, this still represents a significant number of employees who would not be accessing the site by sustainable modes of travel. However, this needs to be considered in the context of what levels would be likely to be achievable in other comparable locations in the areas considered for the purposes of the employment land need / demand / supply assessment, and a balanced approach needs to be taken to consideration of issues in respect of accessibility and employees' modes of travel. As per the conclusions reached regarding this issue in respect of the original Mercia Park development, it is again noted that, for the purposes of meeting the policy test set out in Local Plan Policy Ec2, the requirement is in respect of what sustainable travel choices are *available* for employees. Whereas the bus services connecting the site are relatively infrequent (in terms of the overall number of journeys to and from each destination over a 24 hour period), their alignment with shift patterns is considered to assist significantly with the overall usefulness of those services.

On this basis, and notwithstanding the less direct access to bus services than available on the existing Mercia Park site, it is accepted that, in terms of meeting the requirements of Policy Ec2(2)(a), the scheme would, overall, provide for an acceptable degree of accessibility by sustainable transport modes.

In terms of developer contributions, the County Highway Authority seeks the following:

- Provision of Travel Packs to be provided to each employee in accordance with details first agreed with the County Highway Authority (or payment of £52.85 per employee to Leicestershire County Council for the County Council to provide them on the applicant's

- behalf) (plus payment of an administration charge of £500 in the event that the developer opts to seek approval for its own design of Travel Pack by the County Council)
- Provision of 6 month bus passes to employees (or payment of £445 per pass to Leicestershire County Council for the County Council to provide them on the applicant's behalf)
 - Payment of STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £11,337.50 to Leicestershire County Council (in respect of the full element of the proposals).

Impact on the Wider Highway Network

In response to the submissions, the County Highway Authority confirms it is content with the applicant's trip generation assessment for the development. The total traffic anticipated to be generated by the development is as set out in the table below.

	LGV (Car+Van)			HGV			Total		
	Arr	Dept	Total	Arr	Dept	Total	Arr	Dept	Total
0700-0800	196	27	224	26	28	54	222	56	278
0800-0900	122	33	155	26	30	56	148	63	211
0900-1000	79	49	128	31	23	55	111	72	183
1600-1700	35	190	225	25	24	49	60	214	275
1700-1800	35	122	156	36	20	56	70	141	212
1800-1900	24	67	91	20	21	41	43	88	132

In terms of distribution and assignment, the County Highway Authority advises that the distribution of development light vehicles and HGVs has been informed by use of the County Council's Pan Regional Transport Model (PRTM). The relevant assignment data is set out in the tables below (expressed in terms of all vehicles and in terms of HGVs).

Route	AM			PM		
	In	Out	Total	In	Out	Total
A444 (North of Site)	25	10	35	10	25	35
A42	30	15	45	15	30	45
Tamworth Road	10	0	10	0	10	10
A444 (South of M42)	15	10	25	10	15	25
M42	45	20	65	25	45	65
B5493	10	5	15	0	10	10
A444 (M42 to Site)	120	55	175	60	115	175

Route	AM			PM		
	In	Out	Total	In	Out	Total
A444 (North of Site)	0	<5	<5	<5	0	<5
A42	5	5	10	10	<5	~15
Tamworth Road	0	0	0	0	0	0
A444 (South of M42)	<5	0	<5	5	0	5
M42	10	15	25	15	10	25
B5493	0	<5	<5	0	<5	<5
A444 (M42 to Site)	25	25	50	30	20	50

As can be seen from the above data, the majority of vehicles would be expected to access / egress the site via the M42 / A42 (and as indicated, for example, on the following assignment diagram (HGV assignment in the AM peak)):



Insofar as the impacts of these traffic movements on the wider network and its junctions are concerned, the County Highway Authority confirms that the development impacts have also been tested through PRTM. In terms of these effects, the County Highway Authority advises that the part of Leicestershire's network affected is the A444 and Tamworth Road, and the M42 / A42 Junction 11 (excluding the slip roads / mainline which are maintained by National Highways). The County Highway Authority advises that further assessment of junction impacts has been undertaken using VISSIM modelling software which had identified some potential detailed issues, but which have now been resolved to the County Highway Authority's satisfaction. Subject to some minor matters that the County Highway Authority is content can be addressed at the Section 278 detailed design stage,

Leicestershire County Council raises no objections. Similarly, no objections in terms of the wider network are raised by other Local Highway Authorities in the vicinity of the site (namely Derbyshire, Staffordshire and Warwickshire County Councils).

It is noted that concerns have been raised (including by Overseal Parish Council, Netherseal Parish Council and South Derbyshire District Council over increased traffic (and, in particular, HGVs on the Derbyshire section of the A444, to the north of the site), and the resulting impacts in terms of noise / disturbance and congestion. In particular, South Derbyshire District Council suggests that financial contributions be sought to fund mitigation of increased HGV use of the section of the A444 passing through South Derbyshire. Whilst the letter advises that “the Derbyshire and Leicestershire highway authorities are currently giving consideration to the impacts of traffic using the A444 upon South Derbyshire communities and how these might be mitigated”, having queried this matter further with both Derbyshire County Council and South Derbyshire District Council, it would appear that there is currently no detailed strategy (i.e. including proposed mitigation measures / costings etc. and details of the amounts that would be payable by developers) under which developer contributions are sought. The section below relating to *Developer Contributions* details the relevant tests for planning obligations as set out in national policy and relevant legislation; on the basis that no detailed strategy for seeking contributions from developments that would contribute to traffic volume on the A444 has been devised (and including details of what the contributions would pay for in terms of mitigation measures, and hence how a commensurate contribution to those measures could be established), it is considered that it would not be possible to demonstrate compliance with the relevant policy and legislative tests for contributions.

Regardless of the issues relating to the principle of making such contributions, however, it is noted that the relevant Local Highway Authority for the affected stretch of the A444 (Derbyshire County Council) has not, in any event, raised any objections to the proposals, and comments that “*Based on the analysis of the information submitted it is concluded that there would not be a material impact on the road network within the Derbyshire County Council administrative area which would result in a severe impact on congestion or highway safety*”. Insofar as the amenity implications of the additional traffic through the affected communities are concerned (and as noted under the section relating to *Noise and Vibration and Neighbours' Amenities* above), when having regard to the level of additional traffic anticipated to be routed via the A444 (north), the increased future noise levels compared to the “without development” scenario would appear to be very limited.

For its part, and in particular with respect to the impacts on the strategic highway network, National Highways had, during the course of the application’s consideration, sought additional supporting information in respect of surface water drainage (in terms of its impacts on the M42 / A42), highways boundary stability and lighting / glint and glare. These issues have now, for the most part, been resolved to National Highways’ satisfaction. Whereas some remaining technical matters remain to be agreed, these are understood to be relatively minor in nature (and likely to be resolvable quickly), and are considered to not be so significant as to prevent a resolution being reached on the application. It is therefore recommended (and as set out in the formal recommendation) that any resolution to permit be subject to final confirmation from National Highways that no objections are raised prior to any planning permission being issued (and subject to any additional conditions required by National Highways being attached, as appropriate). Insofar as the impacts on the strategic highway network generally are concerned (and, in particular, with regard to traffic and capacity assessments), based on the submitted Transport Assessment, together with subsequent VISSIM audit responses, and Transport Technical Notes, National Highways confirms that the comments / concerns it had raised during the application process have been addressed. Whereas the submitted VISSIM modelling indicates that the development would exacerbate traffic conditions during both the AM and PM peak, the applicant proposes to address issues with lane utilisation on the M42 / A42 Junction 11 circulatory (at the signals adjacent to the A444 south and Tamworth Road), and to increase the two-lane flare on the A444 north (southbound) approach by 20 metres to add capacity to the stacking area on the approach.

Site Access and Highway Safety

As set out above, the application proposes access via a new three arm roundabout on the A444. In respect of this access, the County Highway Authority had initially identified that a number of technical alterations were required to the proposed design, and that a Stage 1 Road Safety Audit (RSA) would be required for the access, together with one relating to other off-site improvements. Following the implementation of minor changes to the access design and the submission of a satisfactory RSA, the County Highway Authority confirms that it has no objections to the proposed site access.

In terms of other highway safety matters, the County Highway Authority notes that Personal Injury Collision (PIC) data has been obtained by the applicant from the County Council for the latest five-year period which show a total of 7 casualties from 5 accidents (of which 2 accidents were classified as serious and 3 as slight). However, the County Highway Authority notes that there were no recorded PICs along the A444 site frontage (4 of the 5 PICs occurred on the M42 / A42). Having reviewed the PIC data, the County Highway Authority was satisfied that there appear to be no significant patterns or trends amongst PICs, so raised no objections on highway safety grounds subject to the undertaking of an appropriate RSA (and which has subsequently been undertaken to the County Highway Authority's satisfaction, as set out above).

Internal Layout

The County Highway Authority notes that the submitted details for the full element unit shows 49 HGV spaces (in addition to other HGV areas, including loading bays etc.), 424 car parking spaces and 80 cycle parking spaces. By way of comparison of the proposals, the County Highway Authority also notes that, when applying the same ratio between floorspace and parking spaces provided in association with the existing DSV B8 buildings on Mercia Park, the equivalent figure for the new site would equate to 425 spaces which, the County Council notes, aligns with the current proposals. The County Highway Authority confirms that it has reviewed the parking provision against parking standards contained within the Leicestershire Highway Design Guide, and considers the proposals to be acceptable.

Public Rights of Way:

The site itself is not crossed / directly affected by any public rights of way. However, as part of the proposed pedestrian / cycle connection linking the site with the existing Mercia Park development, this would involve use of a section of public footpath P94 (which was rerouted as part of the original Mercia Park development) as cycleway. Given that the route's current formal status is public footpath (i.e. pedestrians only), the County Council notes that any scheme for usage by cyclists would need to be agreed in consultation with Leicestershire County Council, and recommends imposition of a condition to secure this. On a more general point regarding rights of way, however, the County Highway Authority confirms that it is satisfied that the use and enjoyment of footpath P94 would not be significantly affected.

Insofar as the existing P94's route's amenity value is concerned, it is agreed with the County Council that there would be no adverse impacts from the development in this regard. Moreover (and as set out in more detail under *Design* below), the scheme would provide a new connection to the currently non-connecting "spur" of public right of way P94/2 where it meets the A444 adjacent to the north eastern part of Mercia Park, and which would provide an additional potential route for recreational walkers.

Conclusions in respect of Means of Access, Highways and Transportation

Local Plan Policy Ec2(2) sets out a number of criteria against which proposals for employment development will be considered, including in respect of accessibility by a choice of transport modes, and good access to (and an acceptable impact upon the capacity of) the strategic highway network.

Also relevant are Local Plan Policies IF1 and IF4 which seek to ensure the provision of suitable infrastructure (including transportation infrastructure) necessary to accommodate new development

Whilst it is not proposed to provide direct public transport links within the site, it is accepted that the proposed pedestrian / cycle connectivity from the A444 and the existing Mercia Park development would provide reasonable opportunities to enable employees to have the opportunity to access the site by means other than the private car. By virtue of its location close to Junction 11 of the M42 / A42, the site would also be well related to the strategic highway network, and it has been demonstrated to the satisfaction of both Leicestershire County Council and National Highways that the impacts on the operation of the network (and including Junction 11 itself) could be appropriately mitigated. Other impacts in terms of the local highway network are also considered acceptable (and including with the impacts of mitigation where required).

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

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.

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

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

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

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

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

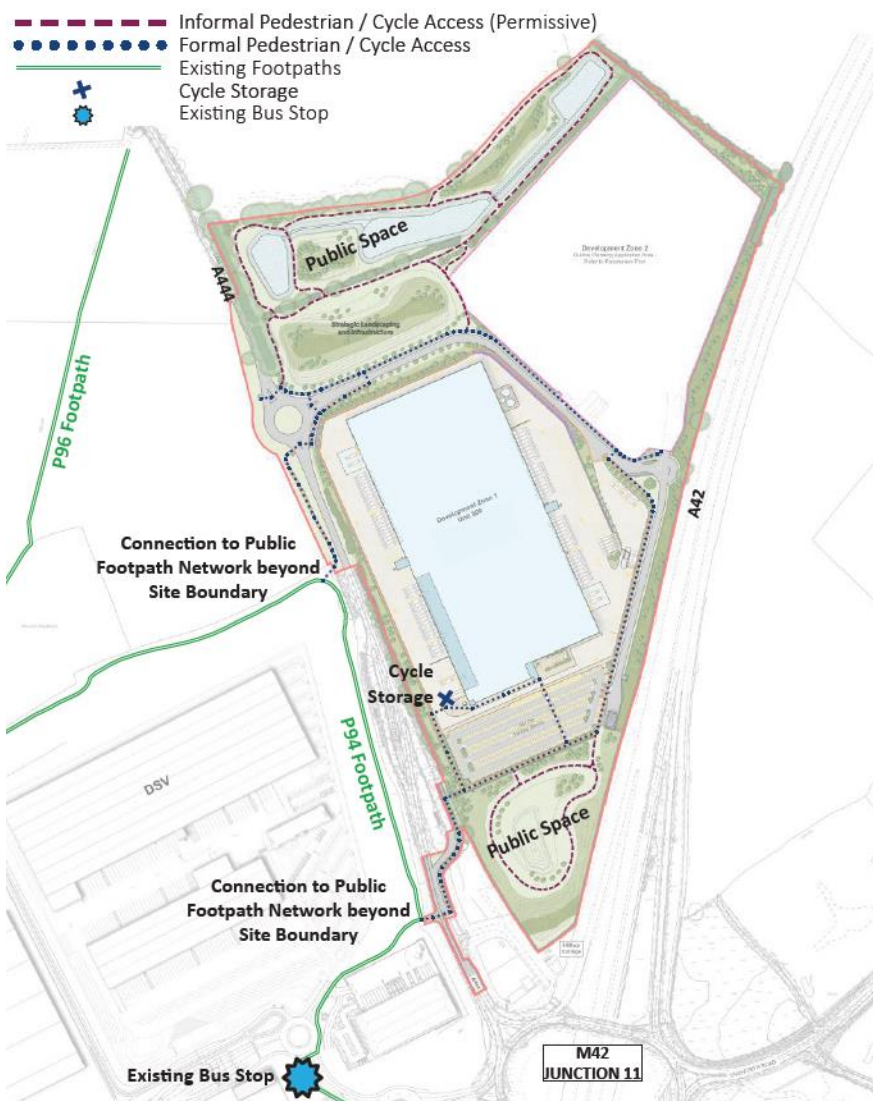
Protect Key Viewpoints: To design the building form and elevation treatment taking into account key viewpoints and context of the development and with views mitigated with appropriate use of screen bunding and landscaping (or, where this cannot be achieved, the architecture of the buildings should address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

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

Quality of Public Environment: To foster a development which enhances environmental habitats and promotes biodiversity, and provision of amenity for the use of occupiers, employees and the local community to create a positive work environment for the area and within public areas of the development; new footpaths should link into the wider existing network, increasing amenity and connectivity

During the pre-application dialogue, officers (and including the District Council's Urban Designer) provided extensive advice and feedback on the design approach, and the applicant has sought to accommodate this advice within the proposals as the scheme has evolved.

Insofar as the site layout is concerned, the Design and Access Statement notes that a key briefing criterion has been to expand upon the cycling and walking routes established at the existing Mercia Park development, and actively promote alternative methods of transportation. As such, attention is drawn to the proposed connectivity between the existing Mercia Park facility and the new development to the eastern side of the A444. To achieve this, the Design and Access Statement draws attention to the scheme's proposed new non-vehicular connections (and as referred to under *Means of Access, Highways and Transportation* above), including a pedestrian / cycle crossing across the A444 towards the development's southern end (adjacent to the existing pedestrian / cycle link between Mercia Park and the A444), and the provision of a pedestrian / cycle route along the western side of the A444 which would provide a new connection between the currently non-connecting "spur" of public right of way P94/2 where it meets the A444 adjacent to the north eastern part of Mercia Park and the proposed new development roundabout. This would, in turn, provide a formal pedestrian crossing point to the A444 which currently has no dedicated footway at this point. These crossings are identified on the plan extract below, and would allow pedestrian connections between the two sites (not only for employees / visitors etc., but also for the wider public so as to enable them to make use of the proposed new recreational routes in conjunction with those already provided on the earlier phase to the west).



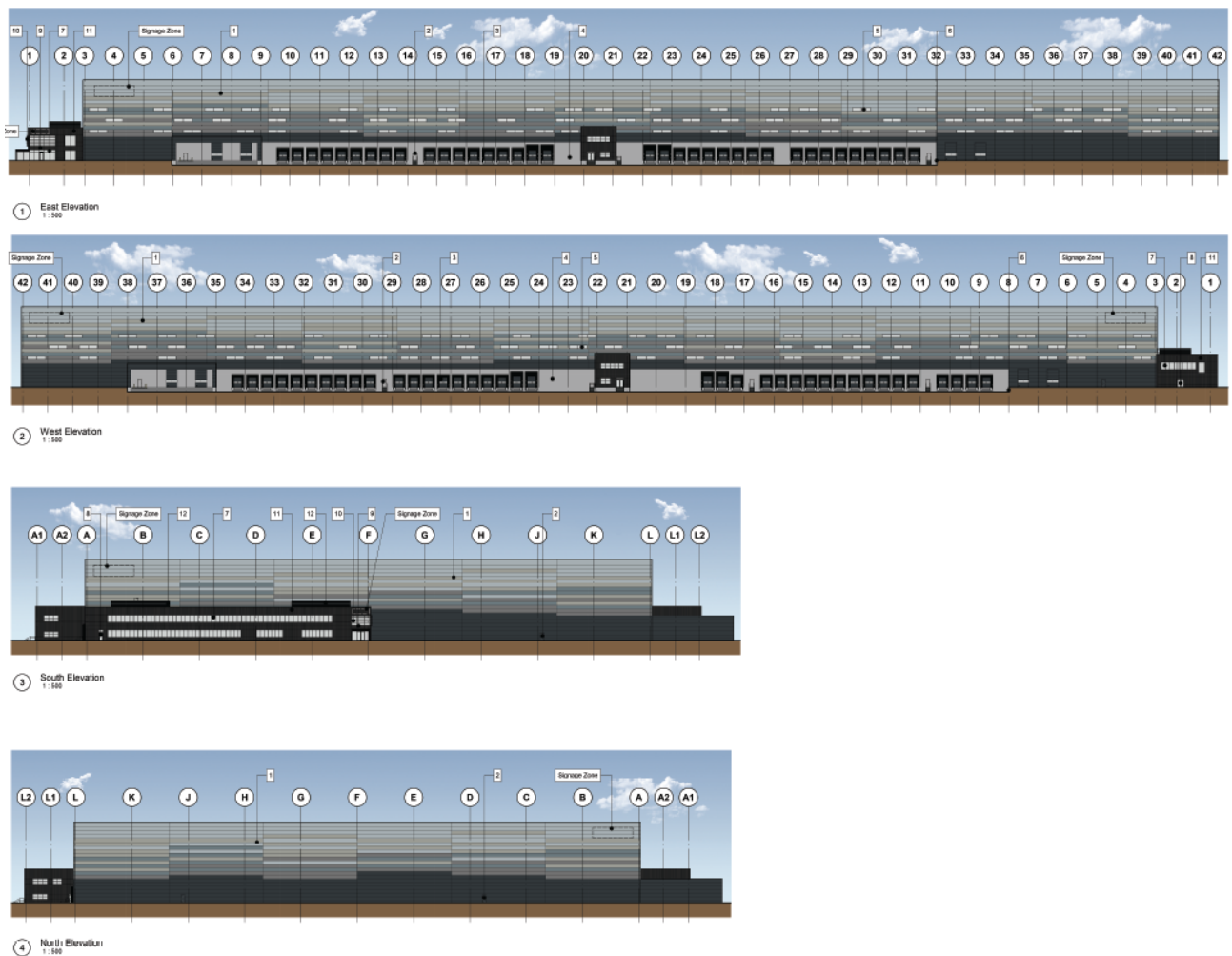
In terms of the design of the proposed buildings themselves, these can be viewed in two principal elements; the warehouse type structures, and the associated office elements attached to each unit.

Whereas the proposed office elements are intended to be of a similar form and approach to those used (and, in officers' view, successfully) on the existing free-standing DSV office unit at Mercia Park, a significant issue in the design evolution of the scheme, and examined in detail through pre-application engagement with officers and stakeholders, has been the approach to use of materials on the proposed units.

In particular, pre-application discussions have considered in detail use of different cladding options, and how these can be used to "break up" the massing of the buildings. Having regard to the scale of employment units of this type, it is generally very difficult to screen such features from view altogether, and developers tend to take a variety of approaches to seek to minimise buildings' visual impact as far as is practicable in the circumstances. There is no overall accepted "best practice" approach as of such, and the most successful means of seeking to "blend" buildings of this nature into their backgrounds will depend on factors such as where they are being viewed from, and the backdrop against which they are being viewed. So, for example, from some viewpoints it may be better to use dark colours if, say, there is woodland behind but, when viewed from a different angle, the same building would be seen against the sky, so a lighter colour would be more successful (albeit that in itself is also potentially complicated in that the colour of the sky will change depending on the time of day and weather conditions). One approach taken by developers is to use horizontal cladding in progressively lightening colours towards the top of the building so as to enable it to blend in more effectively with landscaping in front / behind, and with the paler sky above.

In the case of the existing Mercia Park development, a number of options were considered and, for Phase 1, a variation of the horizontal cladding approach was taken whereby the horizontal cladding panels were "pixelated" (i.e. arranged in a more random format in terms of both size and shade) in order to break up the mass of the elevations. For the Phase 2 element of the original Mercia Park development (the DSV units in the north eastern part of the site), an alternative approach to cladding was sought (and was based on the approach that the intended occupiers employ corporately on their sites elsewhere in the UK and overseas). This took the form of vertically orientated cladding "stripes" instead of horizontal. The officer view is that, from some viewpoints (e.g. when viewing the site from the north where the development is viewed behind tall, thin trees), the approach can be more successful in terms of reducing visual impact than the horizontal or pixelated options. However, there are other viewpoints where, in officers' opinion, a pixelated option would have less impact than the vertical option and, given the range of viewpoints from which the proposed new units would be seen, the view is taken that pixelation would be the better option overall; this view appears to be supported by the responses received to the applicant's pre-application community engagement process, where several attendees expressed a "strong preference" for the pixelated approach.

As such (and notwithstanding the occupier's corporate preference for the vertical cladding approach), the applicant has agreed to take the option preferred by officers, and the pixelated approach is again proposed to be taken for the unit the subject of the full element of the hybrid application (and, it is understood, the intention would be to take a similar approach on any future reserved matters application relating to the outline element). Two options for the "full" unit are proposed at this stage; one with and one without warehouse windows inserted within the clad elevations (the version with windows is reproduced below).



In order to illustrate the extent to which the proposed cladding approach would be successful (and in the context of the proposed units' appreciation from different viewpoints), the applicant has provided a series of photomontages from a total of 7 viewpoints (and each option showing the scheme at Year 1, Year 15 and Year 30, as the surrounding landscaping matures). The photomontages are shown below and include an assumed form of the outline element unit for illustrative purposes, but also, for some viewpoints, show the proposed development alongside the existing DSV unit (and, therefore, allow for comparison of the respective merits of the differing approaches to cladding).



View 01 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 01 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 01 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red



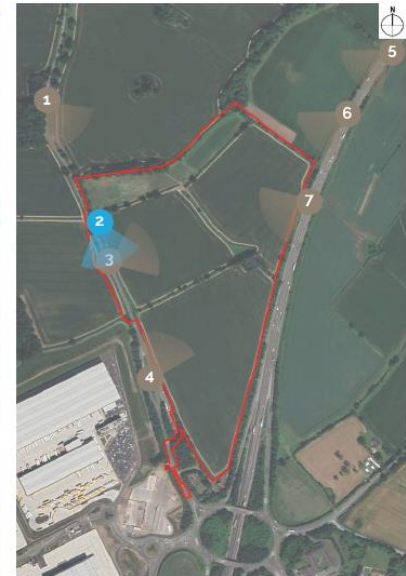
View 02 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 02 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 02 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red



View 03 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 03 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 03 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red.



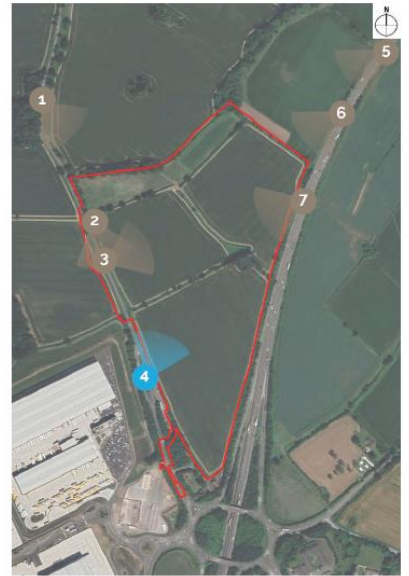
View 04 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 04 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 04 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red.



View 05 from A42 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 05 from A42 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 05 from A42 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red



View 06 from A42 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 06 from A42 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 06 from A42 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red



View 07 from A42 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 07 from A42 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 07 from A42 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red.

As above, it is officers' view that the approach to the office elements taken in the construction of the existing DSV free-standing office building at Mercia Park works well, and would be appropriate in respect of the ancillary office elements to the proposed expansion site (for the full element of the hybrid application). Images of the office part of the unit (located to its southern side) can be seen on the CGIs reproduced below.





Overall in terms of design issues, therefore, it is considered that the scheme would perform well in terms of its layout, and the provision of cycle and pedestrian connectivity. Following the extensive pre-application discussions surrounding the unit cladding options, the officer view is that the option proposed to be taken for the full element unit would be appropriate, and the applicant's positive engagement in the approach employed in respect of cladding is welcomed. It is acknowledged that the proposed units would be likely to have significant visual impacts from some locations in close proximity to the development (and in addition to the implications also identified under *Landscape and Visual Impact* above) but, for the reasons set out, such impacts are considered very difficult to eliminate altogether in the case of strategic employment development of this type, and the approach taken is (in design terms) considered a reasonable response to the challenges that such development can lead to. As such, the scheme is, as a whole, considered to perform well against the requirements of local and national policies in respect of design, and including Policy D1 of the North West Leicestershire Local Plan and the Good Design for North West Leicestershire SPD.

Ground Conditions

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

The application is accompanied by a Phase II Geo-Environmental Assessment Report. This identifies that concentrations of potential contaminants recorded at the site are not considered to pose a significant possibility of harm to the proposed end users of the site, and that mitigation works are therefore not required. Ground gas protection measures are also not identified as required. No objections have been raised by the District Council's Environmental Protection team in this regard.

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

Other Matters

Developer Contributions

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

Local Employment, Training and Careers

In addition (and as set out in more detail under *Socio-Economic Issues* above), the applicant proposes making 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 by way of Section 106 obligations.

These measures are also considered to meet the relevant policy and legislative tests for obligations as set out in the NPPF and the CIL Regulations.

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

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 DSV as occupier of the full element 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, specifically, the indication within it of the extent of need for additional strategic warehousing across Leicester and Leicestershire and in North West Leicestershire in particular), has agreed in principle to the inclusion of the site for strategic warehousing in the Regulation 19 version of the 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), and whilst the proposals are not considered to comply fully with all relevant criteria, the view is taken that, overall, the proposals can be considered to comply with the development plan as a whole.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the 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 development would be expected to generate a range of direct and indirect jobs both during the construction and operational phases; 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 section relating to *Socio-Economic Issues* above. These posts would be in respect of a range of job types / quality, and the bus services previously implemented in association with the development of the original Mercia Park scheme would continue to assist in terms of 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 (both for those employed in association with the construction and operation of the development, and by way of indirect job creation), also be expected to provide some social benefits. The scheme's inclusion of additional recreational routes to those established in association with the development of the original Mercia Park would also provide for useful community facilities. The NPPF refers to the need to foster a well-designed and safe built environment; the scheme is considered to be acceptable in terms of these issues.

Environmental Objective:

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

The application is accompanied by an Environmental Statement which assesses the impacts of the development and, whilst the development would clearly be a significant scheme within the countryside (and inevitably would have considerable visual impacts in its immediate vicinity), the view is taken that, overall, the environmental impacts would be acceptable. Whilst, following mitigation, there would be some remaining adverse landscape and visual effects (and these would count against the scheme in terms of assessing its contribution to protecting and enhancing the natural environment), the proposed development would, overall, be considered to be acceptable in this regard. 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 shadow Appropriate Assessment document under 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 SAC and SSSI; no other adverse effects on protected habitats would result.

The scheme would also, it is considered, perform relatively well in terms of other aspects of the environmental objective, and including in respect of its associated biodiversity enhancements and mitigating and adapting to climate change; in terms of the need to make effective use of land, it is considered that the scheme would represent an effective use in terms of it helping meet a need for sites for this type of use, but it is also noted that the site is greenfield, whereas use of previously-developed land is the preferred approach as set out in NPPF Paragraph 124.

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.

Whereas the existing Mercia Park site is served by two bus services connecting the site to nearby settlements (and which are timetabled so as to coordinate with shift patterns), the new site would not have direct bus connections serving it. Whilst provision of a proposed dedicated crossing to the A444 and connecting the existing and proposed sites would enable employees to access the existing Mercia Park bus stops, it is considered that the siting of the facility (i.e. in an area away from an existing established sizeable settlement) would still be likely to result in a significant proportion of employees accessing the site by car. However, this issue also needs to be considered in the context of the need to deliver economic growth and when considering the limited number of alternative sites available 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). Seen in this context, therefore, it is considered that the scheme would, given the nature of the use and the types of locations where development of this type and scale would tend to be sited, perform reasonably well in this regard.

Having regard to the three dimensions of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues set out within this report, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in helping to meet a demonstrable immediate need or demand for development such as this, would ensure that the scheme would sit fairly well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would, in particular, have some adverse landscape and visual impacts and 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 provide for a reasonable travel choice for employees and, as such, (and notwithstanding its location) has the potential to perform reasonably well in terms of need to travel and the movement towards a low carbon economy.

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.