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3 PLANNING POLICY & CONTEXT

Introduction

3.1 The purpose of this Chapter is to provide the overall policy context for the assessment of the potential for significant environmental effects. The policy account is factual and contains no interpretation or weighting in line with EIA best practice.

3.2 The individual topic assessment chapters presented in the ES are all prefaced by relevant development plan and national policies specific to their topic.

3.3 This section sets out the following:
- the statutory development plan and the relevant planning policies; and
- the material considerations that bear on the determination of the application proposals, including the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) and their relevant provisions, the District Council’s Supplementary Planning Documents and the up-to-date evidence that bears on the determination of the Application Proposals.

The Basis for the Determination of the Application Proposals

The Development Plan

3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the application proposals comprises the Harborough District Core Strategy (CS) that was adopted in November 2011 and the saved policies of the 2001 Harborough District Local Plan (LP).

3.5 Many of the LP policies expired in September 2007, with others saved by direction of the Secretary of State pending the adoption by the District Council of an up-to-date plan. Most of these saved LP policies were replaced by policies contained within the CS, with Appendix 3 of the CS providing a schedule of retained and replaced LP policies. LP policies that have been retained following the adoption of the CS largely comprise area-based policies, including all but one policy relating to the Lutterworth area.

Material Considerations

3.6 The NPPF provides national planning policy for England and is a material consideration of substantial weight. Both the CS and retained LP policies pre-date the publication of the NPPF in March 2012.
3.7 Annex 1 of the NPPF addresses its implementation and paragraph 214 provided a 12-month period from the date of the NPPF’s publication within which decision-takers could give full weight to relevant policies that had been adopted since 2004, even if there was a limited degree of conflict with the NPPF. That 12-month period ended in March 2013.

3.8 Paragraph 215 of the NPPF goes on to state that in other cases, and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

3.9 The other material considerations are as follows:

- The relevant parts of the PPG which Government published in March 2014 and is to be updated regularly. PPG includes guidance of particular relevance to the application proposals: Design, Environmental Impact Assessment, Housing and economic development needs assessments, Housing and economic development land availability assessment, Light Pollution, Natural Environment, Noise, Open space, sport and recreation, Renewable and low carbon Energy, and Viability.

- The District Council’s Supplementary Planning Documents including the following Supplementary Planning Guidance (SPG) Notes:
  - SPG Note 1 Design Principles to be Applied in Harborough District
  - SPG Note 7 Industrial and Commercial Layout and Design Criteria
  - SPG Note 9 Landscape and New Development
  - SPG Note 10 Trees and Development
  - SPG Note 11 Hedges and Development
  - SPG Note 12 Lighting in Town and Country
  - SPG Note 19 Development and Flood Risk

- The pre-application discussions and consultation on the Application Proposals. PPG (D20-011-20140306) states that while pre-application advice by a planning authority cannot be binding (it cannot pre-empt the democratic decision making process) it could be a material consideration and given weight in the planning application process.

- Up-to-date evidence, in particular the evidence gathered as part of the Environmental Impact Assessment (EIA) and provided in the ES.

The Development Plan Policies in Play

3.10 The development plan policies in play are outlined below.
Harborough District Core Strategy (CS) 2006-2028

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

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

3.13 **CS Policy CS7: Enabling Employment and Business Development** states that economic and employment development will be enabled within Harborough District in support of the sub-regional economic growth of Leicester and Leicestershire. CS7c states that to achieve that aim, the spatial strategy seeks to review existing employment sites and allocations in the District in the Allocations Development Plan Document and **confirm a portfolio of sustainable sites, of the right quality and at the right time, to meet any identified shortfalls in future need** using a criterion based assessment that will include **accessibility tests, policy factors, market attractiveness, sustainable development and strategic planning factors**. CS7d says that it will designate **Key Employment Centres** in Market Harborough, Key and Rural Centres; and CS7e says that proposals to renew or upgrade other (not Key) employment areas where, based on an up to date assessment of employment land needs it is not detrimental to the overall level of employment provision in the area.
3.14 **CS7f** supports employment development within the *countryside, beyond towns and villages*, only where it contributes to the retention and viability of rural services or land based business, aids farm diversification, or promotes the [appropriate] conversion and re-use of existing buildings particularly those adjacent to or closely related to towns or villages.

3.15 **CS7h** protects Magna Park’s *unique role as a strategic distribution centre (B8 uses / Min size 10,000 m²) of national significance and an exemplar of environmental performance.* CS7h goes on to say, *no further phase of development or large scale expansion of the site, beyond the existing development footprint (to be defined in the Allocations DPD) will be supported.*

3.16 The CS written statement explains that the employment need evidence base for the policy is the 2008 Leicester and Leicestershire HMA Employment Land Study 2008 which found *no overall strategic need* for additional employment land in the District over the plan period (paragraph 5.89).

3.17 Paragraph 5.70 of the statement posits the view that *Harborough’s contribution to Leicestershire’s economic growth is to … [make] local as opposed to strategic provision for employment needs.* Paragraph 5.73 elaborates on that position in respect to Magna Park and says the site meets a regional, or strategic, rather than local need and concludes – on grounds that because of future road / rail network developments, travel to work patterns, the mismatch between the logistics’ sector’s occupational structure and the Districts’ skills base, that there are *more suitable locations and sites (both rail and non rail-linked) than Magna Park* to meet the forecast need for strategic distribution to 2026. That is despite, even the 2008 study finding a shortfall of 32.9 ha over the 2007-2026 period between the demand for logistics warehousing and the supply land to supply it.

3.18 Nonetheless, paragraph 5.89 of the statement explains, *existing employment provision will be re-assessed and depending on particular circumstances, additional site allocations will be considered via the Allocations DPD and applications for additional employment sites may be permitted.* No Allocations DPD has been prepared. Instead a replacement Local Plan is in progress which is to take on that task.

3.19 **CS Policy CS8: Protecting and Enhancing Green Infrastructure** seeks to secure a high quality, accessible and multi-functional green infrastructure network across rural and urban parts of the District. Green infrastructure will be encouraged through the promotion of, amongst other things, recreation, tourism, education, biodiversity, and the protection and enhancement of heritage assets. The means include developer contributions to improve the quality, use and multi-functionality of the green infrastructure assets and making use of opportunities to maximise the potential of existing and new green space.

3.20 **CS policy CS8d** states that the Council and its partners will (amongst other things): protect, manage and enhance the District’s biodiversity assets (including those that are not designated); encourage the restoration of fragmented habitats, promote the management of
biodiversity (encouraging the maintenance of wildlife corridors, ecological networks and **stepping stones** at a local level that contribute to the sub-region’s Green Infrastructure Network); avoid demonstrable harm to habitats or species which are protected or important to diversity; require proposed new developments to incorporate beneficial features for biodiversity as **part of good design and sustainable development**; and support measures aimed at allowing the District’s flora and fauna to adapt to climate change.

3.21 **CS Policy CS9: Addressing Climate Change** states that development which adapts to climate change and helps to reduce the District’s carbon emissions will be supported through the means listed in CS9a)-CS9f). **CS9a** directs new development to the most sustainable locations and militates against any impacts on the environment; **CS9b** prioritises brownfield land; **CS9c** supports and encourages sustainable construction materials and methods; **CS9d** encourages new non-residential developments to meet a BREEAM assessment of **very good** and, from 2016, **excellent** and on-site or decentralised renewable energy to provide a minimum of a site’s total energy requirements. **CS9e** promotes the use of standalone renewable and low carbon energy sources – subject to (amongst other things) siting that avoids harm to heritage assets, minimal impact on local landscape character and does not create overbearing cumulative noise or visual impacts. **CS9f** supports additional innovations which have a positive impact on climate change adaptation – and states that the innovations supported include appropriate shading and planting, Sustainable Urban Drainage Systems, rain harvesting and storage, and grey water recycling.

3.22 **CS Policy CS10: Addressing Flood Risk** states that new development will be directed towards areas at the lowest risk of flooding within the District; with priority given to land within Flood Zone 1. The use of Flood Zones 2 and 3 for recreation, amenity and environmental purposes will be supported where an effective means of flood risk management is evident. All new development will be expected to ensure that it does not increase the level of flooding experienced in other areas of the District. Surface water run-off in all developments should be managed, to minimise the net increase in the amount of surface water discharged into the local public sewer system.

3.23 **CS Policy CS11: Promoting Design and Built Heritage** seeks the highest standards of design in new development to create attractive places for people to live, work and visit. **CS11a** states that development should be inspired by, respect and enhance local character, building materials and distinctiveness of the area; **CS11b** obliges all development to respect the context in which it is taking place and respond to the unique characteristics of the individual site and wider local environment beyond the site’s boundaries, and states that new development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or a locality. **CS11c** states that development should be well-planned so that, amongst other ways, it is of a scale, density and design that would not cause damage to the qualities, character and
amenity of the area in which it is situated; ensures that the amenities of existing and future neighbouring occupiers are safeguarded; where appropriate, encourages travel by a variety of modes of transport; and minimises waste and encourages re-use and recycling wherever possible. CS11d states that the heritage assets within the District, and their setting, will be protected, conserved and enhanced, ensuring that residents and visitors can appreciate and enjoy them, safeguards Schedule Monuments and non-scheduled nationally important archaeological remains and other areas of archaeological potential, and encourages improved access to buildings and places of heritage for local people and visitors.

3.24 **CS Policy CS14: Lutterworth** states that the town will be developed as a Key Centre for the District to provide new housing, employment, retail, leisure and community facilities to serve the settlement and its catchment area. The policy states that in doing so steps will be taken to accommodate businesses dependent on HGV access in locations where such traffic does not need to travel through the town centre.

3.25 **CS14b** states that transport interventions associated with additional development in and around Lutterworth will focus on improving air quality and reducing the adverse impacts of traffic flow in the town centre. Amongst other ways, this is to be achieved by resisting development that would result in additional HGVs passing through the town centre; supporting routeing schemes for Magna Park; locating future HGV generating business developments to the south of the town with good access to the M1, the A4303 and A426; and improving links within the existing urban area for walking, cycling and local bus provision.

3.26 **CS14d** states that employment development will be supported which strengthens the role of Lutterworth as a Key Centre within the District and reinforces the Spatial Strategy set out in Policy CS1, and that any additional proposals for business development in Lutterworth which require access by heavy goods vehicle should be located near the M1, A426 and A4303.

**Relevant NPPF Policies**

3.27 The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

3.28 The NPPF’s overriding objective is to secure the sustainable development needed to meet the needs of the country’s communities and businesses. At the heart of this objective is a presumption in favour of sustainable development (*the presumption*), which the NPPF states should be seen as a *golden thread running through both plan-making and decision-taking*.

3.29 **NPPF Paragraph 8** explains that these roles should not be undertaken in isolation *because they are mutually dependent*. By way of example, paragraph 8 points out that economic
growth can secure higher social and environmental standards, and that well-designed buildings and places can improve the lives of people and communities. Paragraph 8 goes on to say, *Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.* And, *The planning system should play an active role in guiding development to sustainable locations.*

3.30 **NPPF Paragraph 10** states in this context that plans and decisions should take local circumstances into account so that they respond to the different opportunities for sustainable development in different places.

3.31 **NPPF Paragraph 11** confirms that planning applications must, by law, be determined in accordance with the development plan unless material considerations indicate otherwise – and that the statutory basis for such decisions is not changed by the NPPF. It counsels, however, that it is “highly desirable” that local planning authorities should have an up-to-date plan in place.

3.32 **NPPF Paragraph 14** sets out the presumption in favour of sustainable development and explains what it means for decision-taking.

*The Relevant Provisions of the NPPF*

3.33 The specific policies of the NPPF that bear on the determination of the application proposals are set out below. The specific policies are all aimed at achieving what the NPPF defines as sustainable development and should be read in that context (as reviewed above in the account of the provisions in NPPF paragraphs 8-14 above).

3.34 **NPPF Paragraph 17** sets out the core planning principles. Planning should (amongst other things):

- (bullet 3) proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, with every effort taken to objectively identify and then meet the housing, business and other development needs of an area and responding positively to wider opportunities for growth;
- (bullet 4) always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- (bullet 5) take account of the different role and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- (bullet 7) contribute to conserving and enhancing the natural environment and reducing pollution – with a preference for land of lesser environmental value where consistent with the other policies of the NPPF;
(bullet 9) recognise that some open land can perform many functions (such as for wildlife, recreations, flood risk mitigation, carbon storage or food production);

(bullet 10) conserve heritage assets in a manner appropriate to their significance;

(bullet 11) actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and

(bullet 12) take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Delivering a strong, competitive economy

3.35 NPPF Paragraph 19 states, Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

3.36 NPPF Paragraph 20 states that in order to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

3.37 NPPF Paragraph 21 states that in drawing up Local Plans local planning authorities should, amongst other things, support existing business sectors, taking account of whether they are expanding or contracting.

Promoting sustainable transport

3.38 NPPF Paragraph 29 says that the transport system needs to be balanced in favour of sustainable transport modes but that the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

3.39 NPPF Paragraph 31 states that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including rail freight interchanges and other major generators of travel demand within their areas.

3.40 NPPF Paragraph 32 obliges that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether opportunities for sustainable modes have been taken up (depending on the location and nature of the site); safe and suitable access to the site can be achieved; and that improvements can be undertaken within the transport network to cost effectively limit any significant impacts. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
3.41 **NPPF Paragraph 35** states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities.

**Requiring good design**

3.42 **NPPF Paragraph 56** explains the great importance Government attaches to the design of the built environment: that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.43 **NPPF Paragraph 58** states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping.

3.44 **NPPF Paragraph 60** states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

3.45 **NPPF Paragraph 61** states that securing high quality and inclusive design goes beyond aesthetic considerations. Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

3.46 **NPPF Paragraph 65** explains that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

**Promoting healthy communities**

3.47 **NPPF Paragraph 69** sets out how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 69 states that LPAs, in making planning decisions, should aim to achieve places which promote safe and accessible environments where crime and disorder do not undermine
quality of life or community cohesion, and safe and accessible developments, containing clear and legible pedestrian routes, and quality public space.

3.48 **NPPF Paragraph 73** states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

3.49 **NPPF Paragraph 75** seeks to protect and enhance public rights of way and access and seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

*Meeting the challenge of climate change, flooding and coastal change*

3.50 **NPPF Paragraph 98** states when determining planning applications, local planning authorities should not require applications for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

3.51 **NPPF Paragraph 100** states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 103 states when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

*Conserving and enhancing the natural environment*

3.52 **NPPF Paragraph 109** states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising the impacts on biodiversity and providing net gains in biodiversity where possible to establish coherent ecological networks that are more resilient to current and future pressures. It seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution and land instability.

3.53 **NPPF Paragraph 118** states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. They should refuse planning permission for development that would cause significant harm where this harm cannot be avoided, adequately mitigated or compensated for. Opportunities to incorporate biodiversity in and around developments should be encouraged.

3.54 **NPPF Paragraph 123** states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Decisions should mitigate and reduce to a minimum other adverse impacts.
on health and quality of life arising from noise from new development, including through the use of conditions.

3.55 **NPPF Paragraph 124** states that planning policies should sustain compliance with, and contribute towards, EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and cumulative impacts on air quality from individual sites in local areas.

_Conserving and enhancing the historic environment_

3.56 **NPPF Paragraphs 126 and 131** state that LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, as well as opportunities to draw on the contribution made by the historic environment to the character of a place. The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be taken into account in decision taking.

3.57 **Paragraph 128** states that LPAs should requires applicants for planning permission to describe the significance of any affected assets (including their setting), providing a level of detail appropriate to their significance using appropriate expertise to do so where necessary.

3.58 **NPPF Paragraph 137** states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance; and states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

_Decision-taking_

3.59 **NPPF paragraph 187** states that LPAs should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

3.60 **NPPF paragraph 190** recognises that the more issues that can be resolved at the preapplication stage, the greater the benefits. Paragraph 191 also states that the participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle.

_Relevant Provisions of Planning Practice Guidance_

3.61 In March 2014, the Government announced the launch of the Planning Practice Guidance (PPG) website, the consequence of the Taylor Review. The Taylor Review advised Government to reduce very significantly the volume and complexity of the planning,
the guidance that is out-of-date (not consistent with the NPPF) and bring it together in a single on-line resource to make it easier to access the most up to date information. The Government the new PPG to have done the task asked of it. The PPG is intended to be read alongside the NPPF.

3.62 Set out below is an account of the guidance that is most relevant to the application proposals having regard to the principal considerations that bear on their determination.

*Design*

3.63 Paragraph 1 (ID: 26-001-20140306) explains good design responds in a practical and creative way both to the function and identity of a place, putting land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use. Paragraph 6 (ID: 26-006-20140306) states that well designed new or changing places should:

- be functional;
- support mixed uses and tenures;
- include successful public spaces;
- be adaptable and resilient;
- have a distinctive character;
- be attractive; and
- encourage ease of movement.

3.64 Paragraph 7 (ID: 26-007-20140306) states that the successful integration of all forms of new development with their surrounding context is an important objective, regardless of the nature of that context, and stresses the opportunity that hard and soft landscape provide to successfully achieve the integration. New development should take into account the site’s land form, and natural features and local heritage resources can help give shape to a development and integrate it into the wider area.

3.65 Paragraph 9 (ID: 26-009-20140306) explains that a system of open and green spaces that respect natural features and are easily accessible can be a valuable local resource and helps create successful places; that high quality landscape, including trees and semi-natural habitats where appropriate, makes an important contribution to the quality of an area; and that the wider benefit of greenspaces will be enhanced if integrated into a wider green network of walkways, cycleways, open spaces and natural and river corridors.

3.66 Paragraph 13 (ID: 26-013-20140306) advises that the structure, layout and design of places can help reduce their resource requirements (energy, water, landtake), sustain natural ecosystems and mitigate against flooding, pollution and over-heating. The opportunity to use passive solar design principles is stressed, together with the range of design solutions
available to help avoid overheating and a need for air conditioning: high levels of thermal mass, maximised natural ventilation, passive cooling, smart glazing materials and planting.

3.67 Paragraph 27 (ID: 26-027-20140306) stresses that good design can be spoilt by lack of attention to detail – e.g., to doors, windows, lighting, ventilation, pipes and other rain water details and decorative features – and that it is vital to consider these not just in isolation but in the way they come together.

3.68 Paragraph 28 (ID: 26-028-020140306) explains that materials should be practical, durable, affordable and attractive, enabling the development to fit harmoniously with its surroundings – with regard to the part that colour, texture, grain and reflectivity all contribute to harmony.

3.69 Paragraph 32 (ID: 26-032-20140306) explains that the process of developing a masterplan will include testing out options and considering the most important parameters, including the requirement for open space and transport infrastructure.

3.70 Paragraph 16 (ID: 12-009-20140306) sets out how biodiversity opportunities, as well as impacts, should inform (in addition to the pre-application process) the preparation of the application proposals. It advises that landscape character assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment should help to understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

**Air Quality**

3.71 Paragraph 006 (ID: 32-006-20140306) states where there are concerns about the air quality, the local planning authority may want to know about the baseline local air quality, whether the proposed development could significantly change air quality, and whether there is likely to be a significant increase in the number of people exposed to the problem. Paragraph 007 (ID: 32-007-20140306) states that assessments should be proportionate to the nature and scale of development proposed. Paragraph 008 (ID: 32-008-20140306) identifies that should mitigation measures be necessary they will be location specific and proportionate to the likely impact.

**Housing and economic development needs**

3.72 Paragraph 32 advises (ID: 2a-032-20140306) that such assessments should take account of the recent pattern of employment land supply, market intelligence and signals, and the locational and premises requirements of particular types of business. In forecasting future trends the PPG states that emerging sectors that are well suited to the area being covered by the analysis should be encouraged where possible (ID 2a-032-20140306).

**Natural environment**

3.73 Paragraph 007 (ID: 8-007-20140306), states the statutory basis for planning to seek to minimise impacts on biodiversity is driven by Section 40 of the Natural Environment and
Rural communities Act 2006, which places a duty on all public authorities in England and Wales to have regard to conserving biodiversity. Paragraph 013 (ID: 8-013-20140306) states that the planning system should recognise the wider benefits of ecosystem services.

3.74 Paragraph 001 (ID: 8-001-20140306) addresses the assessment of landscape character. It advises that landscape character assessments should be prepared to complement Natural England’s National Character Area profiles. Landscape Character Assessment should help to understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

3.75 Paragraph 007 (ID: 26-007-20140306) states that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture while not preventing or discouraging appropriate innovation.

Heritage

3.76 Paragraph 003 (ID: 18a-003-20140306) states the conservation of heritage assets should be in a manner appropriate to their significance and is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. Where the complete or partial loss of a heritage asset is justified, the aim is to capture and record the evidence of the asset’s significance, interpret its contribution and make that information publicly available.

3.77 For decision-taking, Paragraph 009 (ID: 18a-009-20140306) identifies why “significance” is important in decision-taking. Being able to properly assess the nature, extent and importance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. Paragraph 015 (ID: 18A-015-20140306) states the vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Any use is required to be viable, not only for the owner, but also the future conservation of the asset. If, from a conservation point of view, there is no difference between viable uses, then the choice of use is a decision for the owner.

3.78 Paragraph 017 (ID: 18a-017-20140306) identifies how to assess if there is substantial harm. Whether a proposal causes substantial harm will be a judgement for the decision taker, having regard to the circumstances of the case and the policy in National Planning Policy Framework.

Renewable and low carbon energy

3.79 PPG paragraph 009 (ID: 5-009-20140306) states that planning can provide opportunities for, and encourage, energy development which will produce waste heat, to be located close to existing or potential users of the heat.
3.80 PPG paragraph 013 (ID: 26-013-20140306) explains that planning should promote the efficient use of natural resources by helping to reduce resource requirements in terms of energy demands, water and land take.

**Noise**

3.81 PPG paragraph 003 (ID: 30-003-20140306) states that decision taking should take account of the acoustic environment and in doing so consider the level of impact associated with the proposal. Paragraph 006 (ID: 30-006-20140306) states that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. Paragraph 008 (ID: 30-008-20140306) states that noise can be mitigated through engineering, layout, planning conditions/obligations and mitigation.

**HDC’s Supplementary Planning Guidance Notes**

3.82 Although the SPGs have largely been overtaken by the Core Strategy, the provisions of four have some relevance:

- **SPG 7 – Industrial and Commercial Layout and Design** the relevant points of which (having regard to the specific requirements of DHL Supply Chain) are: the guidance on the detailing of buildings for visual interest, the use of colour to reduce the obtrusiveness of buildings, the expectation that yards and other ancillary features will be screened to minimise their impact; the careful attention that should be given to landscaping – to retain existing features and create new such features where appropriate, to use suitable native species in planting schemes and to link large areas of planting to adjoining open spaces with the object of creating ecological value; to use materials and landscape to break up large lorry and car park areas; and include signage in the design concept and ensure they are not dominant.

- **SPG 10 – Trees and Development** which states that the Council will require (for schemes affecting existing trees) a tree survey (following the methodology set out in the SPG), full consideration to be given to the retention of trees, and regard to be given to the impact on trees in the construction phase to ensure trees to be retained are not damaged.

- **SPG 11 – Hedges and Development** which obliges existing hedgerows to be retained and new hedgerows to be planted wherever possible – to improve the appearance of the site, ensure the new development is less obtrusive than it would be otherwise, to protect and enrich habitat and improve security and provide privacy for the occupier. Where hedges are to be retained, due care is to be given to ensure there is sufficient clearance either side to protect the hedge roots and allow for maintenance.
• **SPG 12 – Lighting in the Town and Country** aims to prevent excessive, poorly designed and badly directed lighting that has adverse effects, noting that although lighting as such does not need planning permission, lighting structures and installations may. The SPG contains guidance specific to Magna Park that applies to both lighting for new warehouses and to replacement lighting on existing units (noting that most consents for lighting are to discharge conditions on planning consents). The main points of the guidance include: lighting should illuminate only the internal dimensions of a plot; lighting wherever possible should be fixed to warehouses; where not, light columns should be obscured to external view; lighting should be designed to minimise glare and external spillage; and especial care should be taken with the lighting design of the plots on the outer perimeter and on countryside boundaries particularly.¹

¹Note – the guidance that requires “high pressure sodium lamps” is out of date with current technology and it is the sodium lamps that cause the orange glow at Magna Park that is so contentious locally. The DAS provides the details of the external lighting design, the strategy is set out in full in the separately submitted Artificial Lighting Strategy and the visual impact of the application proposals is set out in Chapter 9 of the Environmental Statement (Landscape and Visual Impact).