IDI Gazeley UK Ltd

MAGNA PARK EXTENSION:
DHL SUPPLY CHAIN

PLANNING STATEMENT

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1 THE PLANNING STATEMENT

Introduction

1.1 This Planning Statement has been prepared by Now Planning on behalf of IDI Gazeley UK Ltd in support of the full planning application for the extension of Magna Park to provide a new warehouse distribution facility for DHL Supply Chain.

1.2 The development is proposed on 55.16 ha of land to the north and west of Magna Park Lutterworth. The demise for DHL Supply Chain occupies 21.86 ha of the total, with the remainder of the site area given chiefly to landscape works together with the access arrangements and the small expansion of the existing Magna Park services farm. The full site, as well as the DHL Supply Chain facility, will be brought within the existing management regime for Magna Park and will benefit from the same high quality management and common services infrastructure as the rest of the park.

1.3 This planning statement sets out the justification for the grant of planning permission for the application proposals on the basis of:

- the development plan – the Harborough District Core Strategy 2006-2028 and the saved policies of the Harborough District 2001 Local Plan; and
- the material considerations that bear on the determination of the application.

1.4 The application is made in the context both of the continued strong growth in the country’s need for large scale distribution facilities, most particularly in the logistics sector’s “golden triangle”\(^1\), and of the exceptional success of Magna Park in meeting the specialist needs of the sector. Magna Park remains the largest single dedicated distribution park in Europe, commands rents that are at or above the highest achieved by similarly well-located properties, and has a brand value that keeps Magna Park at the top of the blue chip occupier market.

1.5 DHL already occupy four units at Magna Park – together totalling 55,319 sq m and employing some 700 people (rising to some 1,000 at peak Christmas season). DHL wish to remain at Magna Park to accommodate their expansion needs – a preference over other alternatives that constitutes a tacit endorsement of the quality of the park and its management, the operating efficiencies it confers for DHL, and the quality and availability of the employees willing to work at Magna Park.

1.6 Planning permission is sought from Harborough District Council (HDC) for:

Demolition of the Emmanuel and Lodge cottages and the construction of a 100,844 sq m warehouse distribution facility with ancillary B1 office space, gatehouse, associated vehicle fuelling and washing facilities, HGV, car and cycle parking, fencing and security infrastructure, structural landscaping and associated highway layout within and around the site, including alterations to

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\(^1\) There is no precise definition of the logistics sector’s “golden triangle” – though it is broadly the area circumscribed by the M1/M6/M69 motorways and is defined as such because it is broadly central to the UK’s major concentrations of manufacturing and deep-sea and Channel ports and some 90-95% of the UK’s markets lie within a 9-10 hour round trip HGV drive time, the maximum allowed by EU regulations.
existing vehicular and pedestrian access, creation of a new access to Business Barns, creation of a new A5/Mere Lane roundabout and partial dualling of the A5 and development of public transport infrastructure including bus stop and lay-by, together with drainage and water management infrastructure including attenuation ponds and water treatment facility, waste management facilities, rooftop solar photovoltaic panels, and necessary enabling works all in accordance on land immediately adjacent and linked to Magna Park, Lutterworth.

1.7 IDI Gazeley judged the proposals to fall within the definition of development that requires an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended, and volunteered to prepare an Environmental Statement under those regulations. IDI Gazeley sought a Scoping Opinion on the extent of the issues to be covered by the assessment from HDC in December 201, and received that opinion in March 205.

1.8 The planning application documents include:

i. the covering letter

ii. the planning application form, including the land ownership and agricultural holdings certificate

iii. the Site Location Plan

iv. the Site Ownership Plan

v. the drawings listed in Appendix 1 to the PS

1.9 This Planning Statement, which includes the proposed Heads of Terms of the s106 agreement, should be read and considered alongside the documents listed at paragraph 1.8 together with the documents listed below. These documents are submitted in support of the application proposals in compliance with national and local requirements, and in the context of planning policy, the Environmental Impact Directive 2011/92/EU and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and other material considerations:

- Design and Access Statement
- Statement of Community Involvement
- Transport Assessment and Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Agricultural Land Quality Assessment
- Contaminated Land Statement
- Air Quality Statement (also a chapter of the Environmental Statement)
- Noise Statement (also a chapter of the Environmental Statement)
- Artificial Lighting Strategy (also an appendix to the Environmental Statement)
- Environmental Statement Non-technical Summary
Addressing Climate Change Statement

Environmental Statement (ES) – which includes chapters on the following (the full list of chapters and ES appendices is set out in the ES at Chapter 1):

- Socio-economic effects
- Traffic and transport
- Noise and vibration
- Air quality
- Hydrology
- Landscape and visual effects (including artificial lighting)
- Heritage
- Ecology and nature conservation

The appendices to the ES which include:

- Heritage Desk Based Assessment
- Heritage Fieldwalking and Geophysical Reports
- Artificial Lighting
- Arboriculture Assessment.

Scope and Structure of the Planning Statement (PS)

1.10 The Planning Statement (PS) assesses the planning considerations that bear on the determination of the application proposals: the development plan policies in play and the material considerations, including national planning policy and practice guidance and the evidence on the need for the application proposals and their value environmentally, economically and socially.

1.11 The scope and structure of the PS is as follows:

- Section 2 sets out the context for the application:
  - Magna Park now – IDI Gazeley’s approach to development, the park’s role and standing in the logistics property market and the park’s contribution to the local economy
  - Magna Park’s planning history and the accepted principles of its development to date.

- Section 3 describes:
  - the site, location and surroundings; and
  - the application proposals.

- Section 4 outlines the evolution of the application proposals:
  - the evidential approach to the application;
the planning objectives for the DHL Supply Chain facility; and
- the part played by the pre-application process and public engagement in the design of the proposals.

- Section 5 sets out the planning policies in play and the material considerations that bear on the determination of the application proposals and concludes with the main planning issues:
  - the relevant provisions of the development plan;
  - the relevant policies of the National Planning Policy Framework and, on the principal of the development, the engage of the “presumption in favour of sustainable development”;
  - the relevant National Planning Practice Guidance;
  - the need for the development;
  - the evidence on the impacts and value of the development; and
  - the main planning issues – economic, environmental and social.

- Section 6 provides the planning assessment:
  - the principle of the development
  - the assessment of the application proposals on each of the main planning issues.

- Section 7 sets out the Heads of Terms of the s106 and outlines the other consents required for the delivery of the application proposals.

- Section 8 presents the planning balance: the justification, having regard to the development plan and all material considerations, for the grant of planning permission for the application proposals.

1.12 The Planning Statement includes the following five appendices:
- Appendix 1: List of application drawings
- Appendix 2A, 2B, 2C: Application Red Line (2.A), Site Layout (2.B) and Site Logistics (2.C)
- Appendix 3: DHL Supply Chain – The Landscape Plan
- Appendix 4: Pre-application Meeting Minutes – Harborough District Council
- Appendix 5: Pre-application Meeting Minutes – Highways Authorities

The Abbreviations in the Planning Statement

1.13 The PS uses the following abbreviations:
- Addressing Climate Change Statement: ACCS
- Construction Environmental Management Plan: CEMP
- Core Strategy: CS
Building Research Establishment Environmental Assessment Methodology: BREEAM
Construction Job and Business Strategy: CJBS
Coventry and Warwickshire Local Enterprise Partnership: CWLEP
Design and Access Statement: DAS
Development Plan Document: DPD
Environment Agency: EA
Environmental Impact Assessment: EIA
Environmental Statement: ES
Harborough District Council: HDC
Highways England (formerly Highways Agency): HwyE
Historic England (formerly English Heritage): HisE
Landscape and Visual Impact Assessment: LVIA
Lead Local Flood Authority: LLFA
Leicestershire County Council: LCC
Leicester and Leicestershire Local Enterprise Partnership: LLEP
Local Development Scheme: LDS
Local Plan: LP
National Planning Policy Framework: NPPF
National Planning Policy Guidance: PPG
Natural England: NE
Northamptonshire Local Enterprise Partnership: NLEP
Planning Statement: PS
Public Right of Way: PROW
Secretary of State: SoS
Section 106 of the Town & Country Planning Act 1990 (as amended): S106
Section 278 of the Highways Act 1980: S278
Section 247 of the Town & Country Planning Act 1990 (as amended): S247
South East Milton Keynes Local Enterprise Partnership: SEMLEP
Strategic Distribution Study: SDS
Town & Country Planning Act 1990: TCPA
Transport Assessment: TA
Travel Plan: TP
2 THE CONTEXT FOR THE APPLICATION

Introduction

2.1 The planning application proposes to extend Magna Park to meet the expansion needs of DHL Supply Chain, an existing occupier of the park whose needs cannot be accommodated within the park’s existing boundaries. All of the application land is in IDI Gazeley’s control or benefits from an agreement to purchase. The DHL Supply Chain facility will operate, functionally as well as physically, as an extension to Magna Park – an extension of the existing distribution park that is the sole province of IDI Gazeley to deliver.

2.2 This section of the PS introduces IDI Gazeley and DHL Supply Chain and explains the context for the proposed extension: the park’s planning history and the planning principles it establishes for the DHL application; the park now, how it operates and is managed; what the park contributes to the local economy and labour market; and the evidenced need, most especially in locations within the sector’s “golden triangle” and most sustainably as extensions to established distribution parks, for additional distribution warehouse space.

2.3 This context, for the reasons and in the ways explained in Section 4 of the PS, is a material consideration to be weighed in the balance in the determination of the planning application.

IDI Gazeley

2.4 IDI Gazeley is a leading investor and developer globally of logistics real estate and ranks amongst the foremost pioneers of environmentally sustainable warehouse development in Europe, North America and China. IDI Gazeley’s parent company is Brookfield Asset Management which is currently the world’s largest real estate manager. The firm has over 25 years’ experience in the field, has holdings valued at $3.6 bn, and has delivered over 250 m sq ft (55.75 m sq ft in the UK) of innovative warehousing, distribution and manufacturing facilities for more than 900 customers in major markets and transport routes around the world. The firm’s expertise is unmatched globally, distinguished both by its focus on customer service and the values that underpin its commitments to its employees, customers and the communities it becomes part of: the highest practicable environmental sustainability; continued innovation to raise the industry’s environmental bar still further; a diverse and inclusive team that shares and delivers the firm’s values; and good neighbour to local communities, responsive to and actively contributing to meeting local needs.

IDI Gazeley and Magna Park

2.5 IDI Gazeley developed Magna Park, manage and maintain the park, and own the park’s streets and their lighting, Magna Wood and Mere Lane Lagoon, the public footpaths and cycle ways through the park, and the park’s central services farm and sprinkler system.

2.6 IDI Gazeley own only two of the individual plots – Plot 2110 which is not yet redeveloped following the relocation and expansion of the George headquarters to their A4303 site in the park (see paragraph 2.26 below) and Plot 4400 which IDI Gazeley recently acquired from Costco who are having to leave the park to expand. All of the other plots are owned either by the occupying company or a financial institution.
2.7 Magna Park Lutterworth remains the firm’s flagship development and standard-bearer for the “Magna Park Brand”.

**DHL Supply Chain**

2.8 DHL Supply Chain is the logistics sector’s global market leader with a worldwide workforce of some 315,000 and a network spanning more than 220 countries and territories. The Supply Chain division provides services across the entire supply chain, including warehousing, transportation, value-added services and management services. Already a major inward investor in Harborough District, DHL is one of the 25 blue chip companies that occupies Magna Park, employing some 700 people and providing logistics services to businesses in the retail, fashion, engineering and life sciences sector (see all PS, para 1.5).

2.9 With a key focus on retail, life sciences and health care, technology, energy, automotive and engineering & manufacturing, DHL is a leading innovator in supply chain management and a regulator collaborator with the world’s top universities.

2.10 DHL’s corporate citizenship activities are designed to deliver long-term impact and form an integral part of the company’s corporate strategy. Through its ‘GoHelp’ program, logistics management practices are improved at airports in disaster-prone regions, providing on-the-ground logistics support when disaster strikes. The company’s ‘GoTeach’ program improves educational opportunities and employability for young people around the world, while DHL anchors its environmental goals with the environmental protection program ‘GoGreen’. A prime example is in the area of carbon reduction where DHL has implemented targeted measures to reduce both fuel consumption and energy use.

2.11 With Magna Park already a strategic location for the logistics firm, IDI Gazeley’s application is for a facility that will allow DHL to realise its growth agenda locally while also allowing the company to reduce its carbon footprint and that of its customers. DHL’s choice of Magna Park to meet its expansion needs is based on its actual experience of operating from the park and IDI Gazeley’s management of it: the value returned to the company in the park’s operational efficiencies; the quality of the park’s management; the park’s appeal as a place to work; the match between its own and IDI Gazeley’s social responsibility commitments; and the quality and availability of prospective employees.

**Magna Park and its Planning History**

2.12 Magna Park Lutterworth was established in 1988 and is the largest dedicated distribution park in Europe and IDI Gazeley’s flagship development. The park is located in the far south west of the administrative area of Harborough District and lies on the A5 between the M1, M6 and M69 motorways. The A5 marks the boundary between the Rugby Borough and Harborough District administrative areas; the administrative boundary of Daventry District Council lies just under 10 km to the south.

**The Points of Principle Established**

2.13 Magna Park’s planning history establishes key points of principle that are material to the present planning application. This section of the PS reviews those, and then picks up the
Planning Statement

points again in Section 5 in concluding, with regard to up to date planning policy and guidance and to the relevant material considerations, the main planning issues here.

Magna Park’s First Two Development Phases

2.14  Magna Park was developed by IDI Gazeley on the site of the former Bitteswell Airfield in two main phases. Harborough District Council granted outline planning permission for the first phase in 1987 when IDI Gazeley pioneered the distribution park concept in the UK, and the Secretary of State for the Environment, with HDC’s support on policy grounds, for the second phase of 3.5 m sq ft in 1992 (the DAS, Section 2.2, shows the geography of the two phases).  

2.15  The Secretary of State (SoS) called in the planning application for the second phase for his determination partly because of what the SoS referred to as its “perceived” conflict with the provisions of the then development plan – a conflict the SoS disputed (the then development plan was in fact silent on Magna Park). The SoS acknowledged in his decision that the first phase of the park had caused “a lot of unhappiness locally”, but also took the view that “it is there” and could not be ignored in assessing the proposals for the second phase.

2.16  On the principal points on which he based his decision, the SoS found as follows:

- Development plan policy: the SoS noted that although no development plan mentioned Magna Park and that countryside policies (with a general presumption against development) covered Bitteswell Airfield, the county and district contention was that there was policy support (amongst other aspects of the development) for the principle of releasing further land for industrial or commercial development where a proposal would “bring about significant economic and employment benefit”.

- Prematurity: The SoS took the view that just because a local plan “is in the offing” cannot in itself be a reason for refusing planning permission, and noted in particular the early stage of the new plans at issue.

- Highways and traffic: The SoS found that the site was near to the strategic infrastructure for a development for which road transport was “an integral factor”, the Department for Transport raised no objection, the proposed southern bypass (now the A4303 and an LCC scheme then of longstanding that IDI Gazeley had undertaken to fund) would relieve the pressures on the A426 (including the A5/A426 roundabout), and that a new routing agreement for directing HGV traffic would be effective having regard to the relative success of the similar s52 agreement which enforced the routing of the Magna Park phase 1 traffic. He found overall that with the southern bypass and new routing agreement in place, traffic conditions in Lutterworth would not materially worsen.

- Noise: While the SoS acknowledged that some people are “very much more susceptible to being annoyed” by noise than others, he was satisfied that general

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2 The decision reference is EMP/2415/220/1. The powers of the SoS to call in planning applications for his own determination on grounds that they are “departures” from a development plan were revoked in 2009.
vehicle noise from the development site would be unlikely to exceed ambient levels and under most circumstances inaudible to residents (noting that the closest residents were 400-500 m away) and thus that “noise levels at the nearest residential properties would be unlikely to be a justifiable cause for complaint”. He also found that the design of the new southern bypass would incorporate noise attenuation measures and that on other roads the noise effects of the added traffic would not be above 1db and thus imperceptible to the human ear. Overall, he concluded the noise impacts would be insignificant.

- Visual impact: The SoS acknowledged that the relatively elevated position of the airfield combined with the scale of the warehouse buildings meant that the first phase construction was visible over a wide area – “conspicuousness” that was further emphasised by the location in “relatively open and pleasant countryside”. He found, though, that the second phase would be relatively shielded from many views by the first, that the quality of the second phase would mirror that of the first (including the high quality of the buildings in individual plots set in a “high standard” of layout and planting), that the work on Magna Wood had already begun and would provide an extensive “in depth” tree belt that would, when mature, provide effective (if not total) screening within about 10 years. The SoS took the view that the second phase would not materially extend the area over which the park would be visible, and thus that it was right to see the second phase as “incremental” in its visual effect on the area, and thus overall that the visual impact would not be “sufficiently detrimental” to warrant refusal.

- Night glow: The SoS accepted that the glow from the park’s lighting illuminated the sky over a wide area giving the “impression of a small town” – and thus that it was essential to the acceptability of the second phase that low-level cut-off lighting be required and that no (further) high mast lighting be allowed.

- Ecology: The SoS accepted that the former airfield site had no features of ecological significance, and was satisfied that such habitat as existed could be replaced, enhanced and added to as part of the overall landscaping.

- Need: While noting the paucity of policy guidance on the distribution warehousing sector, the SoS accepted the evidence that there was a healthy demand for the type of facility proposed, that a good location in the Midlands and in relation to the strategic highway network were influencing factors, and that the proposals would meet that demand – with the success of Magna Park “self evident” in attracting “large blue chip companies” deriving from its “all around suitability”. He accepted the possibility that other sites may exist, but none had been put before him. He accepted the need for the extension of Magna Park, not for its continuity but to meet the continuing requirements for the type of development proposed, particularly in the East Midlands.

- Economic aspects: The SoS acknowledged that local unemployment levels were low, but did not accept that fact an adverse point. Rather, the SoS noted that the evidence of Phase 1 was that labour would be drawn “from less fortunate areas” and, for a scheme that would create c 6,000 jobs, it was “quite wrong to be parochial
about its impact on the labour market”. He also accepted that in addition to direct employment there would be other spin-offs for the local economy, noting that Phase 1 had already made use of local businesses and services.

2.17 Overall, the SoS found Magna Park to be an “exceptional” development and granted consent for Phase 2. He justified his decision on grounds that: there was a demonstrable need for the development; as Phase 1 had largely been built out, its extension would be “incremental” in its impact; once matured (10 years), the landscaping proposed would largely screen the extension; the park’s comprehensive plan, layout, planting, individually landscaped plots and buildings were of a high quality; this high quality would be emulated in the second phase; the park’s visual impact, light, noise and traffic were capable of mitigation; in view of the park’s c 6,000 jobs, it would be wrong to take a purely local view of the park’s impact on the labour market; and the development would deliver significant economic and employment benefits.

2.18 Each of the SoS’s considerations remains pertinent in establishing the main planning issues relevant here, and the PS picks these up in Section 5. Although there have been some changes in planning policy since 1992 (e.g., the development plan is no longer silent on Magna Park and national planning policy has articulated what is now referred to as the “presumption in favour of sustainable development”), the basic principles remain unchanged (as PS section 5 explains in detail):

- where there is evidenced need for a development, and the development plan is silent or out of date in respect to the principle of meeting that need, the development should be permitted unless the adverse impacts of doing so would demonstrably and significantly outweigh the benefits;
- sustainability in planning terms has three dimensions – economic, social and environmental – which should be sought jointly and simultaneously through the planning system;
- planning decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.

*The planning principles established by the park’s planning history*

2.19 The two outline planning permissions established the acceptability of the principle of the park’s development: the demand by the logistics industry; the suitability of the park’s (and district’s) location for the logistics sector and the self-evident endorsement of that suitability by the park’s blue chip occupiers; the scale of the park’s economic value and its consequent strategic significance and footprint; the incremental approach to its delivery; the design approach that embeds the mitigation for visual impact, noise, light and ecology; and the associated improvements made to the capacity of the strategic highway network, coupled with the establishment and enforcement of an HGV routing agreement.

2.20 IDI Gazeley has also made, following the grant of the outline permissions, more than a 100 further planning applications within Magna Park – for reserved matters, extensions and other modifications to buildings as occupiers’ needs have changed, for redevelopments of plots and so on. HDC has granted permission for all but one of the applications (refused but
subsequently permitted with modifications) and only one, also allowed, has gone to appeal (on non-determination grounds).

2.21 Taken together, these permissions have established the permissibility in planning terms of the characteristics that describe and distinguish Magna Park now – both the suitability of the location and (formerly countryside) site in which it exists and the details of its development, including the principles of the mitigation embedded in the way the park has been designed, and in the s106 HGV routing agreement.

2.22 The permissibility in planning of the following characteristics of the park are thus material to the determination of the application for DHL Supply Chain:

- a design approach – the masterplan, the buildings, landscape – that embeds the mitigation for visual impact (landscape, building colouration), noise (siting of yards, distance from residences, earth bunding, landscaping) and night sky glow (cut off, low mast lighting in the later stages of Phase 1, in Stage 2 and in renewal schemes since);3
- a simple, uncluttered, connecting road network of heavily landscaped wide boulevards with wide verges and segregated pedestrian footpaths, with building units and service yards located alongside these roads, heavily screened behind clipped hedgerows and planted earth bunds;
- a common services infrastructure (which includes a sewage farm with bio-discs, reed beds and a park-wide sprinkler system);
- significant areas of woodland planting around the perimeter of Magna Park including Magna Wood (in total over 1 million trees) which have matured to screen the park from most views;
- the wetland and lake areas as an integrated part of the site’s run-off water management system; and
- building mass generally screened within the park and around its edges.

Magna Park Now

2.23 Magna Park accommodates the logistics operations of 25 blue chip companies in 31 separate distribution warehouses totalling 771,750 sq m together with the 8,185 sq m headquarters for George (the clothing division of Asda). Of the 31 distribution buildings, 17 (68% of the park’s warehouse floorspace) are operated as national distribution centres (NDCs – i.e., the whole of the UK is served from the single operation) and 14 (32% of the

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3 Lighting technology has moved on very considerably since the conditions attached even to the 1992 planning permission. The SoS noted in 1992 that the more recent of the buildings had already the incorporated low-level cut-off lighting that the SoS found to be essential to the acceptability of the incremental effect of the proposal. The PS explains the application proposals for minimising still further the night glow effects in the PS in Section 6 (para 6.39) and in Section 7 (paras X) in the context of the s106. The DAS explains that the application proposals take full advantage of the very significant scope offered by modern, directional (mounted at zero or minimal angle at low levels on buildings) to provide better light rendition, less glare and much less building reflectance (as well as to consume much less energy). The modern lighting does not produce the orange glow that exists now and was remarked upon in the SoS 1992 decision on Phase 2 of the park.
warehouse space) as regional distributions centres (RDCs). The 25 companies together employ about 9,300 people – and account for about a quarter of all the jobs located in Harborough district – with a still higher number during peak seasons (e.g., Christmas). By any definition, Magna Park represents a very significant cluster of logistics activity, and is – for Harborough and Leicestershire – also a very significant concentration of high value inward investment.

2.24 As the blue chip occupier profile suggests, Magna Park commands rents comparable to the best rents achieved by the few properties in the golden triangle with similar location and quality advantages. Occupiers also pay a service charge to IDI Gazeley for the management and maintenance of the park’s common parts and for its central foul water management and sprinkler system. Companies’ willingness to pay reflects the prestige conferred by the “Magna Park Brand”, the match between the operators’ and IDI Gazeley’s corporate responsibility charters and the value returned to the businesses in the park’s operational advantages: the single management, the large landscaped plots, the purpose-designed, well-maintained and uncongested, wide tree-lined streets, the water rates savings that follow from the central services farm, and the park’s appeal as a place to work which assists occupiers in competing for the best labour.

2.25 Magna Park’s first buildings were completed in 1988 and the last in 2007 – a delivery rate that averaged 38,600 sq m of distribution warehouse space per annum (although delivery in each of 2006 and 2007 totalled almost double that average). Over the 20 years, and as explained more fully below, the average size of logistics units in the sector has been rising steadily, driven by (increasingly global) competitive pressures on supply chain costs and enabled by technological advances.

2.26 Only Plot 2110 – the site of the first of the George HQs (a two storey 3,515 sq m office building) – remains undeveloped, but solely because of its size (the 9,669 sq m warehouse the site can accommodate is too small for the market). Very recently, IDI Gazeley has been able to add to Plot 2110 an area of land on an adjoining plot to create a site large enough to accommodate a 16,723 sq m distribution warehouse for which a planning application was submitted in April 2015. IDI Gazeley will build the unit speculatively – a commitment that demonstrates the confidence in the park’s market appeal.

2.27 With the exception of Plot 2110, Magna Park is fully developed and has been since 2007. Without land to extend the park, IDI Gazeley is unable to respond even to its existing occupiers’ expansion needs – let alone contribute to meeting the growing unmet needs of the logistics sector. Costco, for the lack of expansion space at Magna Park and within a timeframe that accords with its commercial requirements, is leaving the park and expanding at Crick instead.

2.28 The planning-imposed constraints to expansion impose cost penalties on the park’s businesses and employees as well as on the local economy. Businesses which wish and could expand experience operating inefficiencies, employees lose jobs or suffer added travel costs, and local businesses lose their custom.
Magna Park’s Management

2.29 Magna Park Management Ltd (wholly owned by IDI Gazeley) runs the park for the businesses which own or occupy the units and are charged with ensuring the park remains an exemplar worldwide. The estate roads are built to adoptable standards and with the landscaping are maintained (including its habitat value) to very high standards as are the park’s other services.

2.30 The central services farm treats the foul water in an environmentally sensitive way via bio-discs and reed beds. Magna Park Management has long worked closely with the Environment Agency to ensure the high standards are maintained, and will be working equally closely with the newly established (April 2015) Lead Local Flood Authority.

Magna Park’s Environmental Credentials

2.31 Magna Park set a new standard for environmental sustainability in the logistics market. Though of its time, its environmental credentials remain at the top of the logistics property market that IDI Gazeley pioneered, and each successive building constructed since 1988 has improved on its environmental credentials.

2.32 The more recent buildings are sited to maximise thermal properties and daylight, are constructed to (at least) BREEAM “very good” standards with energy efficient building envelopes, optimise daylight from roof lights, are constructed with recycled and recyclable materials and, depending on the age of the building, use air source heat pumps, solar thermal pre-heated water, occupancy detection light controls and daylight dimming, off-peak dimming controls of lighting, LED lighting to offices, natural ventilation wherever possible, rainwater harvesting systems and grey water recycling for toilet flushing, irrigation and vehicle washing.

2.33 The landscape makes a major contribution to the park’s environmental sustainability as well as to its operational efficiency and appeal to employees. The landscape masterplan for Magna Park was developed at a time when many UK landscape sustainability themes and values were still developing and evolving. Magna Park’s landscape masterplan, though a pioneer of its time, is an example of the early integrated landscape design schemes based on eco services systems and cyclical management systems that were founded in a few benchmark projects such as Stockley Park Heathrow (Stockley Park and Magna Park were designed by the same companies).

2.34 The plateau location of the former airfield site is now entirely encircled by dense woodland (Magna Wood) and hedgerow planting, and there are several man-made lakes that are an integral part of the site’s run-off water management system. To the west the filter beds and ponds of the sewerage services farm provide an ecologically rich area and habitat zone that supports a colony of great crested newts. Magna Wood and Mere Lane Lagoon (the principal attenuation lake) are all public amenities and are linked to the wider area by permissive footpaths and bridleways.

2.35 Magna Park is a well-established strategic distribution park that has evolved over many years and as such there is infrastructure that is available to new or expanding companies locating at the site. For example, there is an existing bus service at Magna Park that provides direct links to Lutterworth and Hinckley and connecting services to Leicester,
Rugby and Market Harborough. Bus stops are provided throughout the Park on Hunter Boulevard and on Wellington Parkway.

2.36 Although the setting of Magna Park limits the potential to encourage large numbers of cyclists, some employees choose to cycle to work. The greatest potential for cycling is trips to and from Lutterworth and there is a segregated signed route that runs on the north side of the A4303 (funded and delivered by IDI Gazeley as part of the Lutterworth bypass). Via this route Magna Park can be reached in less than five minutes, which is within comfortable cycling distance.

2.37 Walking is also a possibility for some people via the same route and within Magna Park there is an integrated network of footways and regular crossing points, dropped kerbs and tactile paving. These also provide safe and direct pedestrian routes to bus stops and other areas of Magna Park.

2.38 All HGV movements generated by Magna Park are subject to a Routing Agreement between IDI Gazeley and HDC that as far as practicable ensures that all HGVs avoid sensitive routes through local villages and Lutterworth town centre. The details are set out in the Section 106 Agreement and the routing plan is provided to all occupiers at Magna Park and strictly enforced. Regular monitoring shows it is successful in achieving its purposes.

**Magna Park’s Contribution to the Local Economy and Communities**

2.39 Magna Park makes a very substantial contribution to Harborough’s economy as well as that of the wider area to which its influence extends (employees are drawn from a drive time of about 45 minutes – extending into the rest of Leicestershire and to Warwickshire and Northamptonshire).

2.40 IDI Gazeley is committed to ensuring Magna Park is a “good neighbour” to local communities – both in the control of its environmental impacts and in proactively using the park’s very significant economic weight to local advantage.

**The Economic Contribution**

2.41 Magna Park:

- employs some 9,300 people (estimated both on Office of National Statistics data and the findings of a survey in summer 2013 of 16 of the park’s 25 businesses) – accounting for about a quarter of all jobs in the district and a higher share still at seasonal retail peaks

- employs about 18% of its workforce (c 1,700 of the 9,300 employees) from the district’s residents – measured as the park’s employees who live in post codes which wholly or partly lie within the Harborough administrative area (the figure is calculated from the findings of the summer 2013 survey of the park’s businesses which produced residential post-code data for 1,847 employees – a statistically reliable sample of about 20%)

- accommodates the logistics operations of 25 blue chip companies, all of which are inward investors to the district and who, together, comprise a very significant cluster
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of logistics activity – the single largest concentration of dedicated distribution activity in Europe

- contributes about £381.3m GVA per annum (the value of goods and services produced by Magna Park assuming GVA per head that is equivalent to the average for the logistics sector)

- contributes about £20m in business rates per annum to the county (although from April 2013, HDC has been able to keep up to 50% of the growth in the district’s business rates – a localism measure introduced by Government to encourage local authorities to support economic growth and the development needed to generate it)

2.42 All of this is testimony to Harborough District’s competitive advantages on the one hand (the location in the golden triangle, the proximity to and quality of the strategic highways infrastructure and the Daventry Railfreight Interchange, and suitability and quality of the workforce) and to the self-evident success at the top end of the logistics market of Magna Park itself (its cluster value through the concentration of like businesses in a single park under common management, the quality of the development itself and the operating efficiencies it confers for occupiers, and the efficacy of IDI Gazeley, through the management of the park, in responding to and meeting occupiers’ needs).

2.43 The summer 2013 survey found:

- most businesses on the park invest heavily in on-the-job training – across the spectrum of occupations – and the park’s staff turnover is reported to be low

- the occupational profile of the park is reported to broadly mirror that of the logistics sector overall – that is, over half the jobs are in upper level occupations:
  - 28% managers, senior officials, professional and associated professional occupations
  - 13% administration and secretarial occupations
  - 12% skilled trades, personal, customer service occupations
  - 22% process, plant and machine operative occupations
  - 25% elementary occupations.

- more than 90% of jobs are full-time

- seasonal working is limited largely to the Christmas period and principally to the retail businesses.

2.44 Skill levels in the logistics sector are also increasing – particularly in sales, IT, engineering and customer services – as the logistics sector becomes still more sophisticated in response to globalising markets and the competitiveness needs of the sector’s customers.

A Good Neighbour

2.45 IDI Gazeley have made significant efforts in recent years to meet local people, communities and stakeholders and now do so regularly. IDI Gazeley’s aims are to assist understanding of the logistics sector and provide facts on Magna Park, to listen to concerns and what
people want, and to take the action that it can both to redress concerns and to deliver the
benefits that local people value.

2.46 IDI Gazeley have been proactive in responding to local concerns and ideas where it can.
IDI Gazeley:

- have set up a Magna Park website with the aim, amongst other things, of providing a
  communications tool to encourage car sharing by the park’s employees, greater use
  of Lutterworth town centre and higher shares of supply purchases from local
  businesses
- offer the wood collected from the management of Magna Wood to local residents in
  exchange for a small charitable donation (for the Air Ambulance Service)
- hold an annual family day on the park for the surrounding communities – with visits
  to existing warehouses, children’s activities, a hog roast and a chance to meet the
  IDI Gazeley team and discuss Magna Park and the opportunities it presents to
  improve the wellbeing of local communities (some 850 attended the first year, and
  some 1,500 the second)
- fund and operate a Community Fund, now in its second year of operation and worth
  £20,000 per year, which is targeted at projects and activities that increase
  engagement between Magna Park and the community. Projects in the parish
  boundaries of Ashby Parva, Claybrooke Parva, Claybrooke Magna, Cotesbach,
  Bitteswell & Bittesby, Lutterworth Town, Ullesthorpe and Willey are eligible. So far
  the following have been funded:
  - Cotesbach Parish Council (£2,500) for a village pond refurbishment project
  - Lutterworth Community Responders (£1,000) towards new defibrillators
    equipment
  - Claybrooke Primary School (£2,500) towards a new cover for the school and
    community swimming pool
  - Lutterworth Little Rainbow’s Pre-School playground project (£2,853)
  - Sponsored ‘Spark Harborough’ donating £1,000 cash to the winner of the ‘Best
    Business Growth Idea’
  - Lutterworth High School (£2,500) to purchase equipment to set up a new Duke
    of Edinburgh scheme
  - Claybrooke Magna Parish Council (£400) for defibrillator equipment for the
    village.
  - St Leonard’s Church, Misterton (£2,500) for an extension to the children’s area
    including a small kitchen and toilet/disabled toilet facilities. Lutterworth Lawn
    Bowls Club, Lutterworth (£2,500) donation towards a new lawn mower.
Concerns that Persist

2.47 Nonetheless, Magna Park continues to cause concerns for some. Those concerns, together with the factual position in respect to each, are as follows;

Doubts that a road-based distribution facility can ever be sustainable

2.48 Some consider a road-based distribution park inherently unsustainable. The fact, however, is that the UK is heavily dependent on road based distribution – which accounts for 89% of the market. While IDI Gazeley fully support efforts to increase the share that is rail-borne, there remains a strong need for additional road-based logistics space with the best achievable sustainability credentials. Paragraphs 2.71-2.72 below summarise the evidence, recently published by HDC and the other Leicestershire local authorities, on this still great and growing need in the county and wider golden triangle.

2.49 Facilities to serve road-based distribution are most sustainably located where the following apply, as they do in each instance to Magna Park (helping to explain the park’s self-evident success at the highest value end of the logistics market):

- equidistant between the origin of goods (e.g., the country's main ports and concentrations of production) and their end markets (where production and population are concentrated)
- close to the strategic highway network and where possible also close to strategic rail freight facilities
- away from settlements because of the traffic impacts and 24/7 operation
- but near to concentrations of employees that are suited to and available to meet the sector’s employment needs.

2.50 To accept the continuing predominance – for decades yet – of road-based distribution is not, however, also to set aside (and IDI Gazeley do not) the great importance of increasing, rapidly and substantially, the share of the freight market that is rail-based. Already, because of the short distance along the strategic highway network (A5) between Magna Park and the Daventry International Railfreight Terminal (DIRFT), some 16% of the trips from DIRFT are destined for Magna Park – a share that demonstrates the part DIRFT plays in increasing the share of the park’s traffics that is rail borne. Brookfield, IDI Gazeley’s parent company, own Teesport, are developing a railhead at the port and will soon run a direct daily rail service to DIRFT from the port.

Concerns that the quality of the logistics sector’s jobs neither merit the land given to distribution warehousing it nor matches the skills of Harborough’s resident labour market

2.51 Paragraph 2.41 above sets out the factual position: over half of the jobs on the park are either senior, upper level administrative, customer / personal service or skilled. Skills levels (and associated wages), moreover, are rising in the sector – driven by the competitive pressures of an increasingly global market in manufacturing and consumer goods and enabled by continued innovation in logistics technologies.

2.52 Magna Park is not a “local” facility – but is, as HDC’s Core Strategy policy CS7h states, a strategic facility of national significance. It follows, as the SoS said in reaching his decision
to allow Phase 2 of Magna Park, that it would be “quite wrong” to take a parochial view of
the park’s impact on the labour market (noted in paragraph 2.16, bullet 9 above).

2.53 Nonetheless, the evidence is that the local share of the park’s employment is not in fact low
– but stands at some 18% of the park’s employees (i.e., 18% reside in a postal district that
lies at least in part within the district’s boundaries).

2.54 Although 18% – given Magna Park’s wide economic footprint – is significant, it is not the
consequence of any proactive effort with the park’s occupiers to increase the local share.
There is scope for that effort and, as Section 7 sets out, the Heads of Terms of the S106
Agreement for the DHL Supply Chain application makes provision for a scheme which aims
to do so.

The assumption that Magna Park is of limited value locally

2.55 Notwithstanding the park’s strategic significance, the facts show that Magna Park makes a
very substantial contribution to Harborough’s economy. Paragraphs 2.41-2.43 above list the
contributions and points out that from April 2013, HDC has been able to keep up to 50% of
the increase in business rates attributable to local economic growth (Government’s
business rates policy is still developing, but the principle is to provide local authorities with a
financial inducement to deliver economic growth).

2.56 As with the local employment share, the contribution the park currently makes is not the
consequence of any proactive work with occupiers to increase the share. Raising the
contribution the park makes locally is an objective that IDI Gazeley is committed to, and the
DHL Supply Chain application provides an opportunity, and the proposed S106 Agreement
makes such a provision (as explained in the PS in Section 7).

2.57 In planning policy terms, it is also the case (as explained in full in Section 5) that HDC is
obliged, both in plan-making and decision-taking, to take a wider than local view of its
responsibilities to meet the needs of the economy of which it is part.

The traffic impacts

2.58 The concern is principally on the HGV impacts, particularly HGV traffic and particularly
through Lutterworth town centre, villages and at key junctions. But the concern also extends
to the contribution Magna Park makes to peak hour congestion (employee trips) at key
junctions, including the A4303/A5 junction, the Gibbet Hill junction and the “airplane”
junction on the A4303.

2.59 The Magna Park Routing Agreement, secured by the legally enforceable S106 unilateral
undertaking that has covered the park since 1992, is rigorously enforced and monitored. IDI
Gazeley cannot accept as accurate statements that HGVs observed in Lutterworth town
centre or in nearby villages (e.g., Bitteswell, Cotesbach) are attributable to Magna Park.

2.60 As Sections 6 and 7 of the PS explain that the Routing Agreement is to be extended to
include the DHL Supply Chain facility, and that IDI Gazeley propose, via the Travel Plan, to
create an Employee Routing Agreement that directs the DHL Supply Chain employee traffic
as far as practicable onto the strategic highway network and away from Lutterworth town
centre, the surrounding villages and Mere Lane. Through the proposed extension of the
park’s management agreement, IDI Gazeley also proposes to promote this Employee Routing Plan to the park’s existing occupiers (and on the park’s website).

Complaints of noise and the park’s night sky light pollution

IDI Gazeley, like the SoS, (para 2.16, bullet 4 above), accepts that some people are more sensitive to noise than others but also is reliant on the evidence of objective noise assessments.

The assessments of the noise impacts of the DHL Supply Chain facility on the closest dwellings (Springfields Farm, 0.45 km to the north east; White House Farm, 1.7 km to the north west; and Lodge Farm, 1.2 km north by north west) are below the “Lowest Observed Adverse Effect Level” threshold set by National Planning Practice Guidance on noise. Any impact at more distant sensitive locations, for example the villages of Ullesthorpe and Bitteswell, would be further limited due to the increased distance from the site. Chapter 7 of the ES provides the full assessment, the PS summarises the impacts and mitigation proposed in Section 6, Table 6.1 and the DAS describes the lighting design proposals in Sections 7 and 8.

The building and street lighting in the park consists of high pressure sodium luminaires mounted on buildings and street lighting columns. The type of luminaire varies throughout the park from angled floodlights in the first phase of the park’s development to full cut-off flat glass luminaires in the second. The light reflected from the horizontal surfaces and building elevations (and in some instances highly illuminated buildings) results in a yellow/orange sky glow when viewed from the surrounding villages on nights with low cloud.

Since the planning permissions were granted, lighting technology has advanced very substantially – in improved control, reduced light spill, glare and light pollution and in reduced energy consumption and CO2 emissions – producing the opportunity (taken up by some of the park’s operators, most recently Disney) to install directional, cut-off, LEDs.

IDI Gazeley, other than through the voluntary responses of occupiers, has no means of requiring occupiers to replace the lighting fittings and luminaires that are the source of the light pollution. Some operators on the park – most recently Disney – are in the process of modernising their lighting and replacing fittings with low-glare, low reflection, directional light fittings with cut off LED luminaires. As Section 4.2 of the DAS explains, IDI Gazeley propose, to minimise the light impacts of the DHL proposals, both to update the park’s street lighting to directional LEDs and pay for occupiers along Mere Lane to install cut-off directional LED lighting on the Mere Lane frontages and yards.

The Planning Obligations Delivered and Proposed

The first and second phases of Magna Park have delivered the mitigation required by the conditions on the planning permissions. The Lutterworth bypass (with its segregated cycle lane and footpath) and the further dualling of the A247 (both then long-standing Leicestershire County Council schemes) are in place, the Routing Agreement is in place and is rigorously enforced, Magna Wood has matured and the park is heavily screened by the earth shaping and planting, and the lighting in the second phase comprises, in line with the condition on the planning permission, cut-off luminaires.
2.67 What IDI Gazeley can do with the existing park is limited to the parts of the park the company owns or controls (PS paragraph 2.6 explains that IDI Gazeley own none of the occupied warehouse plots and only the common infrastructure and landscape). Thus any change in occupiers’ behaviour that is wanted by local people and is not already secured by the original planning permissions is beyond IDI Gazeley’s direct control. Nonetheless, IDI Gazeley manages the park in close collaboration with the park’s occupiers In line with their blue chip standing, the park’s occupiers all have strong social responsibility charters and share IDI Gazeley’s commitment to being a good neighbour to local communities.

2.68 As Sections 6 and 7 of the PS explain, the proposed S106 Agreement for the DHL Supply Chain application provides for some retrospective remedial change within the existing park (e.g., lighting) and includes undertakings to use best endeavours to route car-borne employee trips away from villages and Lutterworth town centre, increase the share of employees who live locally and raise the levels of procurement from Harborough businesses. The content of a S106 Agreement is subject to regulations that restrict undertakings (if they are to bear on the planning determination) to what is necessary to make a development permissible in planning terms and they much be directly related to the development and fairly and reasonably related in scale and kind.

2.69 While not tied to the planning case for DHL Supply Chain, the grant of planning permission will make it commercially feasible for IDI Gazeley to invest further in its outreach work with local communities. As now, IDI Gazeley continues to consult local communities on their ideas should this become possible.

The Need for Sustainable Logistics Space

2.70 There are two aspects to the need for sustainable logistics space: the immediate need which the application proposals will satisfy should planning permission be granted; and the wider need in the golden triangle within which Harborough District and Magna Park is located.

DHL Supply Chain

2.71 The need to provide DHL Supply Chain with expansion premises needs to be understood in the context of wider trends in the logistics sector. Those trends have been most recently set out for Leicestershire by the Strategic Distribution Study (SDS). The SDS was prepared for the Leicestershire local authorities (HDC was the lead authority for the study) by MDS Transmodal and Savills (the report is dated November 2014 but was published by HDC in February 2015).

The Wider Need for Additional Logistics Space

2.72 With regard to the application proposals, the key points are:

- The sub-region generally and the county particularly has a well-established competitive advantage in the growing, highly productive and uniquely valuable sector to the performance of the UK economy.

- For that reason – capitalising on an established competitive advantage in a sector critical to local wealth and national economic performance – the Strategic Economic
Plans of all four Local Enterprise Partnerships that lie within the labour market catchment for Magna Park place a priority on the logistics sector: understanding the sector, supporting its growth and development and responding to its needs, amongst other things, for a choice of well-located, efficient property and an adequate supply of suitably skilled labour.4

- Similarly, a key component of HDC’s own “Open for Business” Action Plan (approved by HDC as a Council strategy in January 2014) is the further leverage of the opportunities, for local benefit, of Magna Park’s strategic economic value. The action plan recognises that the expansion of the park is a likely concomitant of the scope for that leverage.

- Maintaining and growing this competitive advantage is dependent upon supplying additional sites that meet the sector’s property needs (for location, proximity to strategic highways infrastructure, site size and configuration and availability of labour – all factors, subject to the availability of sites, which explain the county’s success).

- There is, from a perspective both of the logistics market and regional / sub-regional competitiveness, a “more is better” factor – the ability to offer a geographical spread of commercially available sites available to satisfy individual operator requirements.

- The sector needs strategic distribution sites capable of accommodating the large footprint buildings increasing sought by the sector – in response to efficiency trends and innovations in the logistics sector, as well as to structural changes and geographical shifts globally in the sectors that the UK’s logistics serves.

- Leicestershire is especially well located and endowed with the infrastructure to meet the sector’s needs for national distribution centres (i.e., the inherent cost and other efficiencies entailed in having one large warehouse that serves a business’s national stockholding and distribution function).

- The SDS advises that a sequential approach should be taken to identifying the sites required to supply the sector with the additional property it needs in the county. The SDS place the extension of the existing strategic logistics sites at the top of the preferences (where the sites will be self-evidently successful – but where there is also adequate road capacity serving the site and at adjacent motorway/dual carriageway junctions or capacity can be enhanced as part of any extension).

2.73 Apropos the final point, only IDI Gazeley is in a position to extend Magna Park. The PS explains, Section 2 paragraphs 2.5-2.6 and 2.24, why that must be so.

2.74 Overall, the SDS forecasts a total need in Leicestershire for 811,000-1,036,000 sq m of additional, new build, large scale (9,290 sq m and larger) distribution space by 2026 (SDS Part B, Tables 4.3-4.4). While the SDS posits the share of this quantum that, based on freight transport economics, the logistics market will want on rail-served sites, the calculation for that share is not a precise science. Instead, the rail-connected share (c 58%,

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4 The four are: Leicester and Leicestershire LEP; Coventry and Warwickshire LEP; Northamptonshire LEP; and South East Midlands LEP.
the SDS suggests) indicates the “direction of travel” and is dependent, amongst other things, on the actual supply chains of individual businesses. The SDS also states (Final Report, paragraph 2.33), “It will be unrealistic in both planning and logistics terms to expect all new large scale distribution activity to locate at a directly rail-served site. In logistical terms, not all warehouse occupiers will benefit from or be of a nature to be attracted to the rail terminal facilities offered at rail-served strategic distribution sites. On that basis, there will still be a need to plan for commercially attractive strategic logistics sites which are not connected to the railway network.”

2.75 DHL Supply Chain’s needs, and the application proposals to meet those needs, underscore the findings of the Strategic Distribution Study. DHL need a very large, road-based, distribution warehouse which will be used as a national distribution centre, and they want it at Magna Park because of its proven success as a location, its operationally efficient concentration of like businesses, the quality of the park and its management, and its proximity to an available source of suitable employees.

**Conclusion: the Context for the Park’s Extension is Material in Planning Terms**

2.76 The application to extend Magna Park is submitted in the context of:

- the need by DHL Supply Chain to expand and the company’s preference to remain at Magna Park to do so
- the wider need of the logistics sector for suitably located land – near strategic highway and rail infrastructure and away from settlements but with access to sufficient and suitably qualified labour
- the proven success of Magna Park in meeting the needs of the logistics sector at the top, blue chip, end of the industry
- the extension of an existing distribution park is preferable to greenfield alternatives for meeting the industry’s needs for additional space
- only IDI Gazeley is in a position to deliver an extension to Magna Park and include the extension within the same high quality management regime as the existing park taking advantage of existing infrastructure and extending its common services systems to include the DHL Supply Chain demise and the public amenity land within the application site and beyond the DHL Supply Chain demise
- the park’s long planning history which has established the principle of the park’s development, including the suitability of the location for the industry it serves, and the acceptability in planning terms of the characteristics of the park’s design and its operation
- the high bar set by the park’s existing environmental credentials and the operating and environmental efficiencies to be gained in extending the existing park
- the very substantial contribution economically of the park, not just to the sub-region, but locally
- the park’s good neighbour credentials and IDI Gazeley’s contributions to local community life and wellbeing
- the opportunities presented by the extension application to redress concerns with the existing park, mostly particularly the artificial lighting in the park which, though compliant with the planning requirements, is capable of being updated where IDI Gazeley has the control needed to do so, and in promoting employee travel planning amongst existing operators.
3 THE SITE AND THE APPLICATION PROPOSALS

Introduction

3.1 This section of the PS describes the application site and concludes with a description of the application proposals. Both draw on the descriptions in the DAS which provides full details of both at Sections 7 (the development), 8 (the landscape) and 9 (access). The description here is confined to the principal aspects of the scheme and is set out to assist with the assessment of the proposals against the policies in play in Section 6 of the PS.

3.2 Appendices 2A, 2B and 2C to the PS provide the plans that show the Application Red Line (2A), the Site Layout (2B) and the Site Logistics (2C). Appendix 2 to the PS provides the Landscape Plan, which also shows the proposals for the permissive footpath and bridleways that cross through the site. The full list of application drawings is provided in Appendix 1 to the PS.

The Site, Location and Surroundings

3.3 The application site comprises 55.41 ha of land to the north, west and east of Mere Lane and alongside the A5, adjacent to Magna Park, Lutterworth, and linked to it via the proposed extension to Argosy Way. The nearest local settlement is Willey which is 0.85 km away and separated from the application site by the A5. To the north are the villages of Ullesthorpe, Bitteswell and Claybrooke Parva which are located 1.7 km, 2.1 km and 2.4 km from the application site respectively. The town of Lutterworth is located 1.7 km to the east, beyond which is located Junction 20 of the M1.

3.4 The application site includes three large open arable fields, the edges of two further medium to large arable fields, three smaller enclosed fields, some mature hedgerow boundaries, with some standard trees and mixed native tree belts. The main fields of the site gently slope down from Mere Lane towards the Upper Soar Valley from circa 125 m AOD in the north east to circa 110 m in the west.

3.5 The site is crossed by a farm track and permissive access bridleways created under a Higher Level Stewardship scheme (HLS) administered by Natural England, with the current agreement set to run until 31st October 2017. Two cottages, known as Bittesby cottages, are located on this farm track to the west of the site.

3.6 Further north, parts of three further arable fields are included within the area of the application site, up to the ridge line which is marked by a bridleway. To the north west, the red line boundary of the site also includes a 20 m wide strip of arable land with the application proposes for tree planting. The strip lies alongside an existing hedgerow and continues across an arable field to meet the existing ridgeline hedgerow that forms the Ullesthorpe Parish boundary.

3.7 At the north eastern end of the site is the Mere Lane Lagoon which attenuates water draining from Magna Park and feeds a watercourse that runs along a small tributary valley of the River Soar to the northern and western flanks of the site.

3.8 To the south east of Mere Lane, the site includes an area of rough grassland and two belts of trees located adjacent to the Magna Park services farm with its associated plant and
Another water course drains from these pools flows under Mere Lane and along the south western end of the main part of the site. To the south and east of the site, also on the opposite side of Mere Lane, are the logistics warehouses of the existing Magna Park development located on Argosy Way, Vulcan Way and Hawke Way, where occupiers include Eddie Stobart Limited, CML, Unipart and Primark.

3.9 Alongside the Magna Park service farm and to the west, the application site boundary includes a section of Mere Lane, existing woodland belts either side of the lane and a strip along the edge of two large arable fields. Further west, the site includes a linear parcel of land to the east of the A5 corridor where there are some scattered existing trees and intermittent sections of hedgerow and some individual native shrubs. This vegetation is located on a bank sloping down from a wide grass verge at the edge of the carriageway. To the south of Mere lane there is a wide grass verge, running up to a mature hedgerow which is located on level ground in front of a woodland planted embankment which forms the boundary to Magna Park. Further to the north, on this side of the A5, there is a conifer belt and a line of deciduous trees located at the roadside alongside Lodge and Emmanuel Cottages. IDI Gazeley has an agreement in place to demolish the properties on the grant of planning permission for the application proposals.

3.10 On the western side of the of the A5, there is a public footpath and bridleway connecting to the edge of the A5 from Willey and these run up to and pass through two rows of post and rail fence set behind a wide grass verge. A mature hedge line and with occasional trees follows the fence alignment nearest to the A5 and partially follows the fence line set further back on the field boundary. Widening works (with the exception of part of a new roundabout junction) will be focused on the eastern side of the road.

3.11 The application site does not include, nor is adjacent to, any statutory designated sites such as SSSIs, SPA/SAC/RAMSAR, AONB, all of which are areas defined in Regulation 2 of the EIA Regulations. The site is not in, or within 2.5 km of, a site designated under the Birds Directive (SPA) of the Habitats Directives (SAC), nor the Ramsar Convention.

3.12 The site area does not include, nor is adjacent to, any non-statutory designated sites. In the search area falling into Leicestershire, the Old Manor Reedbed Local Wildlife Site (LWS) is situated approximately 1.5 km to the north of the site. There are also a candidate LWS and a Potential LWS between 1.5 km and 2 km from the site, neither of which have been designated. Numerous Parish, District and County sites have been identified within the search area, all designated in the 1980’s and 1990’s, including two associated with the stream approximately 10 m from the north-western Site boundary, and a pond approximately 30 m to the south-east of the site. Within the Warwickshire search area, there are four EcoSites within 2 km of the centre of the site. The closest is the disused railway line to the south of the A5, adjacent to the south-western site boundary.

3.13 The site area does not contain any designated heritage assets. Although the Scheduled Monument of Bittesby Deserted Medieval Village is located in close proximity to the corridor of proposed planting, the closest edge of the proposed built development lies c 420m from the eastern most edge of the Scheduled Monument boundary.
3.14 The geophysical and field walking surveys of the accessible areas within the site found no evidence of significant archaeological activity of any period within the application boundary although there are a small number of geophysical anomalies that may be of limited archaeological interest.

3.15 Bittesby House, an undesignated heritage asset also owned by IDI Gazeley, lies beyond the south west edge of the site and is in commercial use. It was recently assessed for listing by Historic England and found not to merit the architectural or historic significance needed for national designation. Lodge and Emmanuel Cottages were originally associated with Bittesby House, and Lodge Cottage is also an undesignated heritage asset.

The Application Proposals

3.16 The application proposals adopt the planning, environmental and design principles that underpin the park's long planning history while also advancing their climate change credentials. The objectives have been to stay true to the pioneering spirit of IDI Gazeley's G Brand to deliver what DHL Supply Chain require (their specific needs are explained in Section 4) while also achieving what IDI Gazeley has learned that communities would like to see.

3.17 The components of the development are:

- a 100,844 sq m GIA distribution warehouse facility including ancillary offices, gatehouse, fuelling and vehicle washing facilities, associated service and goods yards, on-plot access roads and staff car parking;
- roof-mounted photovoltaics (PVs) for on-site energy generation
- the expansion of the existing Magna Park services farm to accommodate the foul water needs of the application development;
- landscape including ecology mitigation and enhancements, planted earthworks, native woodland planting, integrated sustainable urban drainage systems (SuDS), permissible bridleways and habitat connections to integrate the development in its wider rural setting;
- off-site woodland spinney and hedgerow reinforcement planting to mitigate sensitive views in the wider landscape character area of the Upper Soar, particularly from the Bittesby deserted medieval village Scheduled Ancient Monument (SAM), from and in the vicinity of the villages of High Cross, Claybrooke Parva and Ullesthorpe and from the roads and public rights of way in the wider landscape;
- road improvements to the A5 trunk road to include the extension of dual carriageway between Lodge and Emmanuel cottages (to be demolished) and Mere Lane and a new roundabout at the A5 junction with Mere Lane;
- a new road extension from Argosy Way across Mere Lane to connect the development site to Magna Park and the realignment of Mere Lane between the proposed A5 roundabout junction and a new roundabout junction with the extension to Argosy Way;
- a realigned access track to the Holovis International at Bittesby Business Barns, also for access to the Goodwins farmland; and
- a small new public car park to allow access to the Magna Park amenity land (existing and proposed) and the permissive footpath network, the Mere Lane Lagoon (the existing attenuation pond for Magna Park) and the additional attenuation lakes created by the application development.

3.18 The general arrangement plan is provided in Appendix 2 to the PS and the landscape plan in Appendix 3. The DAS provides full details of the proposals: Section 7 describes the DHL facility; Section 8 describes the landscape proposals; and Section 9 the proposals for access.

3.19 Section 6 of the PS, in assessing the application proposals against the relevant planning policies, summarises the outcome of the environmental impact assessment of each aspect of the development proposals and, where the assessment has warranted a design response, the mitigation that is embedded in the design proposals. Section 7, in setting out the Heads of Terms of the S106 agreement, sets out the further proposals for mitigation and for enhancing local benefits which cannot be captured by design approaches.
4 EVOLUTION OF THE APPLICATION PROPOSALS

Introduction

4.1 This section of the PS explains the evolution of the application proposals: the evidence-driven approach to the proposals; the objectives that were set for the extension of the park to meet DHL Supply Chain’s requirements and comply with the relevant development plan and national policies; the optioneering that was undertaken; and the key influences on the evolution of the application proposals of the pre-application meetings and the public engagement.

4.2 The Environmental Statement (ES), together with the separately submitted statements on flood risk, contaminated land, noise, artificial lighting and air quality, contain the details of the technical and environmental evidence that have informed and helped to shape the application proposals. The appendix to the PS contains the minutes of the pre-application meetings with HDC, LCC and Highways England, and the separately submitted Statement of Community Involvement sets out a full account of the consultation events and what those attended said in response to the proposals as they were developed.

The Approach to the Proposals: Evidential, Consultative, Responsive

4.3 The application proposals have evolved in response to all of the following:

- The technical and environmental evidence on the site:
  - the baseline evidence on the site that informed the request to HDC in December 2014 for a Scoping Opinion under Regulation 13 (1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 No. 1824 (the EIA Regulations);
  - the evidence now set out in the ES and the separately submitted technical and environmental statements.

- The pre-application advice from HDC officers (and Landscape Partnership, their independent adviser on landscape issues), LCC (highways, ecology, conservation and Lead Local Flood Authority), Highways England, Historic England.

- The outcome of the public engagement, including an initial HDC Members briefing in November 2014, the two formal public exhibition events in November 2014 and January 2015 and the many meetings with local Parish Councils and Lutterworth Town Council over the period during which the application proposals were prepared.

4.4 The development process has been iterative, and all of the above have had a heavy influence on the proposals that make up the planning application.

The DHL Supply Chain Objectives

4.5 The planning objectives set for the DHL Supply Chain facility reflect the company’s needs and have regard additionally to the relevant planning policies (set out in the PS in Section 5), the design principles set for the development (set out in Section 5 of the DAS) and the
pre-application advice and public engagement summarised here and set out in full in Appendix 3 to the PS.

4.6 The planning objectives were canvassed in draft and refined during the pre-application process and have shaped the evolution of the application proposals. The planning objectives are:

i. a site that is connected physically and functionally to Magna Park via the park’s existing infrastructure

ii. a scheme that continues the development and environmental quality pioneered by Magna Park

iii. a facility that fits into and are unobtrusive in the landscape, taking the minimum land necessary

iv. a facility that is operationally efficient while also achieving the highest practicable standards of environmental sustainability

v. improvements to the affected permissive footpaths and bridleways and to the public’s access to the site’s informal recreation amenities

vi. improvements to the junction of Mere Lane with the A5, both to improve the safety and efficiency of that junction and to relieve congestion pressures at the junction of the A5 with the A4303 (Coventry Road)

vii. improvements to pedestrian, cycle and public transport access to the site and its connections with the rest of the park and wider site

viii. no increase in the extended park’s light pollution

ix. noise levels, even for the most noise-sensitive locations, that are below the Lowest Observed Adverse Effect Level threshold set in accordance with National Planning Practice Guidance.

The Pre-application Advice

4.7 The application proposals have responded to advice received at:

i. Three pre-application meetings with HDC at which LCC officers and Highways England also attended:
   - 4 December 2014 with HDC with their landscape advisers (The Landscape Partnership), LCC Highways and Highways Agency
   - 9 March 2015 with HDC, English Heritage and LCC’s specialist historic buildings and archaeology officers
   - 14 April 2015 with HDC and The Landscape Partnership and Highways England

ii. Four pre-application meetings on the access proposals:
   - 2 July 2014 with LCC Highways
   - 18 July 2014 with LCC Highways
22 July 2014 with Highways Agency and Aecom (for the HA)
12 March 2015 with Warwickshire CC Highways and LCC Highways
30 March 2015 with Highways Agency and Aecom (for the HA).

4.8 The principal points of the advice were:

- the connections to the existing park:
  - the high pressure gas main will make it infeasible on visual impact grounds to connect over Mere Lane and on cost grounds to tunnel under it
  - the preferred junction would be at grade with a four arm roundabout

- site access
  - ensure the arrangement is generous enough to prevent HGVs queuing back onto the highway

- site roads
  - should be designed to adoptable standard (in line with the existing estate roads)

- Mere Lane:
  - the increase in traffic on Mere Lane and the volume of through traffic on the A5 suggest that the junction with A5 may need to be addressed
  - any re-alignment will affect tree belts and will require replanting
  - consider potential for traffic calming / or measures in the Travel Plan to discourage employee use
  - weight limit to remain (expectation is that 80% HGVs to access site from Hunter Boulevard)

- A5
  - the proposals may produce an opportunity to extend the dualling of the A5 north west of Mere Lane

- HGVs
  - routing plan to be extended and vehicle license monitoring considered

- heritage
  - a percentage sampling approach for trialling based on geophysical survey findings would be appropriate, to be done during the determination period
  - Bittesby House – setting only affected (Historic England subsequently decided it did not merit listing) as an undesignated heritage asset
  - although the view from the scheduled monument is affected (from the north end looking east), the effect can be mitigated to an extent by the reinforcement of the historic boundary planting
- landscape management regime to be considered, with a preference for traditional grazing etc approach

- **landscape / views**
  - setting of the Scheduled Monument will need planting for visual screening to aid visual integration
  - the most significant views from the monuments, however, are north to south along the stream and between the medieval settlements of Ullesthorpe and Willey
  - use topography and landscape to minimise the impact of the development on the setting of the Scheduled Monument
  - use colouration of the building to reduce visibility, revisiting if needs the standard Magna Park approach to aid visual integration
  - treat artificial lighting impacts in the Environmental Statement chapter on landscape and visual impact

- **landscape / ecology / drainage**
  - identify and take opportunities to integrate habitat, planting (protecting and enriching and adding) and drainage
  - ensure planting schemes are native species
  - ensure the planting schemes have the management regime in mind, with a preference for traditional approaches
  - opportunities presented by the site’s topography and cut/fill to be fully exploited for screening, native species planting, visual mitigation, ecology

- **air quality is an important local issue, so needs full attention**

- **explore opportunities to improve lighting in the existing park where justified in planning / s106 terms**

- **materials**
  - details of external materials to be submitted (with statements on their sustainability)

- **public access**
  - identify and take opportunities to protect / enhance the permissive footpath / bridleways across the site (give thought to making the routes part of the public network given the end of the High Level Stewardship scheme in autumn 2017)
  - if have to divert, re-connect the alignment with existing network
  - identify and take opportunities to improve cycle access
  - take the opportunity to improve public access to the Mere Lane Lagoon, most especially with the added lagoons and wildlife areas proposed.
Community Engagement

4.9 Two, two-day, public exhibitions were held in Lutterworth Town Hall, the first on 14-15 November 2014 and the second on 15-16 January 2015. A total of 273 attended the first exhibition, and 285 attended the second. A feedback form was provided at each and all were invited to make written comments; 57 took up the opportunity at the first exhibition, and 54 at the second.

4.10 The first exhibition set out and canvassed the public’s views on: the objectives that DHL Supply Chain need to achieve commercially; the project team’s analysis of the site – its constraints, assets and opportunities; and the options for locating the site and for accessing it.

4.11 The second exhibition presented the draft proposals for the application development – the general arrangement, the landscape proposals and the access proposals – and provided the project team’s reasoning for the approaches adopted and the options selected. Again, the team sought the public’s views on the draft proposals.

4.12 In both cases, the application proposals were set within the context of the wider site (to be the subject of a separate outline planning application), but stressed that the proposals for DHL Supply Chain were to be considered, and would have to be determined by the planning authority, in their own right.

4.13 In addition, the proposals were canvassed at a series of stakeholder, parish and town council meetings between November 2013 and January 2015.

Summary of the public’s comments:

4.14 The public’s comments were of two broad types: concerns as to the impacts of the extension on local quality of life; and proposals for improvements and other ideas as to what they would like to have happen or to see delivered by, or alongside, the extension. The design proposals for the DHL Supply Chain extension have attempted, in every case, to take on board the comments received.

4.15 Briefly, the concerns people wish to see addressed by the DHL Supply Chain development were:

- traffic impacts, particularly on Mere Lane, villages and Lutterworth town centre and on the junctions of the A4303 with the A426 and the Gibbet Hill junction
- the safety of the junction of Mere Lane with the A5
- light pollution, including from the existing park
- increases in flood risk (in Ulllesthorpe along Claybrook Road)
- noise pollution, including from the night time operation of the existing park and on the roads serving the park
- the visibility of the new development
- loss of the “usability” of the countryside that people value.

4.16 People said they would like to see:
a higher share of the jobs created taken by Harborough district residents
better alternatives to the private car for the new employees – and for those on the existing park employees
use of the warehouse roofs to install PVs
retention and enhancement of circular footpaths and bridleways
improvements in the provision for cyclists
a standalone truck park to reduce HGV parking in the A4303 laybys
visual screening of the new buildings.

The Options Assessed

The optioneering extended largely to the site selection and access arrangements. The scope for visual screening was landscape proposals followed in response to those considerations and landscape – given the objectives that needed to be met for the site.

Site

The operational criteria that had to be met by the choice of site were:
- a site that is connected physically and functionally to the existing magna park
- topography that would allow the building to fit within the landscape
- the potential to use topography and landscape to minimise the visual intrusion from close and long distance views
- minimal land take
- orientation of building to optimise thermal advantages due to siting
- make full use of the park’s existing highways and services infrastructure
- a site that would allow the new scheme to continue the development and environmental quality pioneered by Magna Park
- a scale and configuration of site that would meet operational needs of DHL Supply Chain
- a site capable of efficient access by HGVs, car users, pedestrians and cyclists and which could provide for nearby public transport services.

The further criteria to be met by the siting of the development – to satisfy the pre-application advice and meet the public’s concerns – were:
- minimal impact on existing permissive footpath and bridleway routes
- optimal opportunities to screen the scheme visually and at the same time to enhance the habitat value of the site – both maintaining and adding to foraging corridors
- minimal impact on the setting of Bittesby House as an undesignated heritage asset.
4.20 The site options examined were all along the Mere Lane flank of the existing park, with the choices driven by the topography of the extension area and the options for linking the site across Mere Lane to the existing park infrastructure.

4.21 The optimal site proved to be the application site.

**Access**

4.22 The option work had two aspects: the road system within the selected site and the access to the site. The former focused on minimising the size of the site and the road system within – an optioneering process that managed to reduce the scale of the site to the minimum area now within the application boundary and the minimal road infrastructure into it and to Holovis International (who occupy the Bittesby Business Barns). The latter focused on the crossing options for Mere Lane, the siting of bus stops, the junction with Mere Lane and the public footpath, cycle ways and bridleways.

4.23 The optioneering produced the access arrangement proposed.

4.24 Access is proposed via a new roundabout on Mere Lane that will connect the site to Magna Park to the south and the A5 to the west. The connection to Magna Park is achieved by extending Argosy Way between existing plots 1400 and 1500. To access the DHL unit, a new access road will be constructed to form the north western arm of the roundabout.

4.25 Approximately 100 metres north west of the roundabout, the access road will turn sharp right at a ghost island priority junction and provide access to the car park and the service yard. Access to the service yard is controlled by a security gatehouse. The access arrangements have been designed to minimise land take and minimise the impact on existing landscaping. Turning heads have also been incorporated into the design to allow an errant HGV to turn without having to enter the service yard.

**Crossing of Mere Lane**

4.26 Several options were considered for the crossing of Mere Lane and the final design solution has emerged from two public consultation events and three pre application meetings with HDC.

4.27 An underpass of Mere Lane was considered but discounted on the basis of land take. It would also have provided an intimidating and unattractive route for cyclists and pedestrians and diminished the connection with the existing Park which is a fundamental objective of the proposal.

4.28 A bridge over Mere Lane was also considered but again there were issues with land take partly related to the length of the span required to cross Mere Lane and the high pressure gas pipeline that runs parallel to Mere Lane some 25 metres to the north. There would also have been visual impacts associated with a bridge.

4.29 Uncontrolled crossroads were considered but discounted on safety grounds due to the number of conflicting traffic movements. Traffic signals were discounted because of the inconsistency with the junction strategy on the surrounding highway network. Traffic signals can also be inefficient particularly in rural areas by introducing unnecessary delay even when there are no conflicting traffic movements.
4.30 The decision to provide a roundabout was based on several factors including safety as all vehicles are required to slow down to negotiate a roundabout. It also provides an at-grade connection to the existing Park with dropped kerbs and tactile paving at the roundabout splitter islands. Roundabouts are also efficient particularly on relatively quiet rural roads as vehicles are not required to stop if there are no conflicting traffic movements. A roundabout is also consistent with the junction strategy on the surrounding highway network.

**A5/Mere Lane Junction and the permissive bridleway / footpath**

4.31 The optioneering concluded with the decision, in response to pre-application advice and to the concerns of the public, both to introduce a new roundabout at the junction of Mere Lane with the A5 and to extend the dualling of the A5 between the Emmanuel and Lodge Cottages to the new roundabout (a distance of about 0.5 km). The new junction provides a safer and more efficient connection with the A5.

4.32 The change requires the realignment of a short section of Mere Lane – and thus the realignment of the permissive bridleway (Mere Lane has no footway). Two alternative options were considered: the extension of the bridleway to the A5 and across it via a Pegasus crossing; or the provision of a further length of permissive footpath. The former was rejected on safety grounds and the latter taken forward in the scheme proposals. The permissive bridleway is realigned to link with the network further to west of the application site.

**Bittesby House/ Holovis Access**

4.33 The proposed access arrangements for DHL minimise the impact on Bittesby House with access maintained via the existing access track. A new junction is proposed from the realigned section of Mere Lane to remove two existing right angle bends at the southern end of the access track.

4.34 The existing access to Bittesby Barns (occupied by Holovis International) will be closed. Access will be maintained by vehicles sharing the first part of the DHL access road and by the formation of a new vehicular connection from the end of the DHL access road.

**Responses to the Public’s Concerns and Ideas**

4.35 The application proposals provide for all of the following in response to the public’s concerns and ideas. The details are set out in the DAS in Sections 7, 8, 9 and 10 and are considered in the PS in the assessment of the proposals against relevant planning policy and guidance in Section 6:

- the new roundabout junction with the A5 in response to concerns on safety, a measure which also delivers benefits for the A4303/A5 junction
- extension of the HGV routing plan already in place to include the DHL operation
- the creation of an employee routing scheme to be put in place as part of the DHL Travel Plan, and to be promoted amongst existing occupiers, that encourages use of the strategic network and discourages use of Mere Lane and routes through villages and Lutterworth town centre
- proposals and funding to increase car sharing and improve public transport provision
- the protection of the permissive footpaths and the diversion (necessary) of the permissive bridleway, in both cases re-connecting these to the wider network
- enhanced access to the Mere Lane Lagoon and the site’s other open space amenities
- the earth shaping, planting and other measures needed to keep noise levels below the threshold defined by National Planning Practice Guidance
- a lighting design approach to prevent light pollution from the development, coupled with undertakings to replace the park’s existing street lighting with directional LEDs and an initiative by IDI Gazeley to finance and deliver modern directional LED cut-off lighting schemes to the yards and building facades that face onto Mere Lane – both minimising the lighting impacts of the DHL scheme and reducing the lighting pollution from the existing park
- extensive planting schemes to filter views of the new facility and minimise visual impact on the setting of the Scheduled Monument
- building colouration to minimise its visual impact, including on the Scheduled Monument
- planting with native species to create new, as well as protect existing, habitat and biodiversity
- planting to reinforce the landscape character and recover features that have been damaged or lost
- the use of roof mounted PVs (hidden behind the roof parapet) to optimise the share of the facility’s energy needs that are met by renewable sources
- initiatives, secured through the S106 agreement, aimed at increasing the share of the DHL jobs which go to Harborough District residents and the share of the scheme’s procurement that is met locally.

**Conclusion: the Proposals Respond to the Pre-application Process**

4.36 The application proposals have evolved in direct response to the pre-application process, engagement with stakeholders and the public, and have taken full account the technical, environmental and socio-economic evidence marshalled through the EIA.

4.37 The application proposals achieve as a consequence all of the objectives set for them. The objectives themselves were set so as to be comprehensive of the needs of DHL Supply Chain, the evidence base and the development plan, other planning policies and the practice guidance that bear on the proposals and their design. The optioneering work, and the subsequent refinement of the proposals in response to the evidence as it has been accumulated, have together ensured that the application proposals capitalise on the site’s assets and opportunities while also avoiding all significant adverse effect on the site’s sensitivities.

4.38 Additionally, the application proposals take the opportunity to respond to the concerns and ideas expressed by local people as set out above at paragraph 4.35.
5 PLANNING POLICY AND MATERIAL CONSIDERATIONS

Introduction

5.1 This section sets out the basis for the determination of the planning application in planning policy and the material considerations. Section 6 which follows sets out the assessment of the application proposals against the development plan policies in play and the relevant material considerations.

The Development Plan

5.2 The starting point for determining the planning application is the development plan. S38(6) of the Planning and Compulsory Purchase Act 2004 states: “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

5.3 The development plan here is the 2006-2028 Harborough District Core Strategy that was adopted in November 2011, together with the saved policies of the 2001 Harborough District Local Plan (LP).

5.4 The National Planning Policy Framework (NPPF) was published by Government in March 2012, post-dates the development plan, and is a material consideration of substantial weight. The NPPF, in explaining how national policy is to be implemented (paragraphs 214 and 215), sets out the weight should be given to development plan policies that were adopted before the publication of the NPPF:

- NPPF paragraph 215 states, “due weight should be given to relevant policies in existing plans according to their degree of consistency with [the] Framework (the closer the policies in the plan to the policies in this Framework, the greater the degree of the weight that may be given).”

- NPPF paragraph 14 explains further the degree of weight to be attached to the development plan in setting out the “presumption in favour of sustainable development” that it calls the “golden thread running through both plan-making and decision-taking”. Paragraph 14 states that, “where the development plan is absent, silent or relevant policies are out-of-date, [planning permission should be granted] unless:
  - 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; or
  - specific policies in [the] Framework indicate development should be restricted.”

5 NPPF footnote 9 explains “for example” that these are the policies of the Framework that relate to sites that are protected under the Birds and Habitats Directives, or are designated Sites of Special Scientific Interest, Green Belt, Areas of Outstanding Beauty or within a National Park, designated heritage assets, and locations at risk of flooding or coastal erosion.
5.5 The saved policies of the 2001 Local Plan that were not replaced by the Core Strategy are largely area-based policies and not relevant here. The exceptions are saved policy EV2 (Green Wedges) and EV3 (Separation of Settlements) which are. In directing that the 2001 Local Plan policies be saved, the Secretary of State (SoS) stated that the saved policies should be read alongside more recent national policy and up-to-date evidence. Both, the SoS advised, would be material considerations likely to merit substantial weight.

**Material Considerations**

5.6 The material considerations listed here have particular significance for the determination of the planning application.

5.7 Section 6 of the PS (paragraphs 6.4 and 6.17-6.19) explain that the principle of the application proposals is contrary to the policy CS7h and CS7f of the development plan: that CS7h precludes (does not support) the expansion of Magna Park beyond its existing footprint; and CS7f precludes development in the countryside outside the boundaries of existing settlements (save under circumstances which do not apply to the application proposals). CS7h clearly precludes the application proposals which seek to extend Magna Park, and by inference, policy CS7h also precludes employment development in the countryside adjoining Magna Park.

5.8 It is contended here, however, that the provisions of CS7h, and by inference also CS7f, are so inconsistent with the provisions of the NPPF as to be out-of-date in the terms of NPPF paragraph 14, and therefore the NPPF’s “presumption in favour of sustainable development” is engaged. PS Section 6 sets out the reasoning.

5.9 The material considerations to be weighed in the planning balance are the following, together with the references to the parts of the PS where the details of the material considerations are set out:

- The relevant provisions of the NPPF (as noted above at paragraph 5.4 and set out in full below at paragraphs 5.32-5.73)

- The relevant parts of the National Planning Practice Guidance (PPG) which Government published in March 2014, with updates published when Government amends the guidance. PPG includes guidance of particular relevance to the Application Proposals: Design, Environmental Impact Assessment, Housing and economic development needs assessments, Heritage, Light Pollution, Natural Environment, Noise, Open space, sport and recreation and Renewable and low carbon Energy. Paragraphs 5.74-5.100 below summarise the relevant guidance.

- The principles established by Magna Park’s planning history, both the SOS’s 1992 decision that granted planning permission for the Phase 2 extension to Magna Park in 1992 and the planning applications granted permission since (PS, Section 2, paragraphs 2.14-2.22).

- The pre-application guidance for this application. 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. The PS summarises the pre-application advice in Section 3, paragraphs 3.7-3.8.

- The relevant **up-to-date evidence**, in particular the following:
  - The self-evident success of Magna Park in meeting the logistics sector’s needs for well-located property, in efficient operating conditions with ready access to the strategic highway and railfreight infrastructure and to an adequate supply of suitably qualified labour (PS Section 2, 2.23-2.24)
  - The facts on the sustainability – economic, social and environmental – of Magna Park now (PS Section 2, paragraphs 2.31-2.69).
  - The need for the development evidenced by the findings and guidance set out in the November 2014 Leicester and Leicestershire Strategic Distribution Study, commissioned by the combined Leicestershire local authorities with HDC in the lead role (PS Section 2, paragraph 2.70-2.71).
  - The need for the development as evidenced by the purpose of the planning application – to satisfy the expansion needs of DHL Supply Chain, an existing occupier of Magna Park, who wishes to expand within the park (PS Section 1, paragraphs 2.1 and 2.8-2.11).
  - The fact that no expansion land remains within the park capable either of meeting the expansion needs of DHL Supply Chain or to allow, in a proven and sustainable location of clear benefit to the industry, local economy and the labour market (PS Section 2, paragraphs 2.25-2.28).
  - The evidence on the potential for the application proposals to have significant environmental effects (PS Section 6, paragraphs 6.X-6.X and the separately submitted ES, Volumes 1-3);
  - The evidence, set out in the DAS and summarised in the PS in Section 6 (paragraphs 6.X-6.X) and Section 7 (paragraphs 7.X-7.X), on the mitigation for environmental effects that is either embedded in the design of the application proposals or, where on-site design solutions are not available or appropriate, put forward in the S106 Agreement both to enhance the beneficial effects of the application proposals and to reduce the risk of adverse effects to less than significant.

- HDC’s District Council’s **Supplementary Planning Guidance** (SPG), although prepared in 2003 and now quite dated (paragraph 5.101 below explains):
  - 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.
5.10 HDC is in the process of preparing a replacement Local Plan but it is at too early a stage to have any significant weight. The very need for the plan, however, is a tacit recognition that the 2011 Core Strategy is out of step with the NPPF on a range of fronts, most particularly in identifying, and then meeting, the needs of its communities and business for sustainable development. The most recent Local Development Scheme indicates that “options” will be consulted upon in October 2015, a pre-submission draft published in June/July 2016 and the final version submitted for examination in autumn 2016.

The Development Plan Policies in Play

5.11 The development plan policies in play are outlined below.

*Harborough District Core Strategy (CS) 2006-2028*

5.12 **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.

5.13 **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.

5.14 **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.

5.15 **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”.

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

5.17 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).

5.18 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 patters, 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.

5.19 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.” However, as paragraph 5.30 below explains, no Allocations DPD was
ever prepared. Instead a replacement Local Plan is in progress which is to take on that task
(and may – this is still unclear at the time of drafting this statement – include a review of site
options for meeting logistics land needs).

5.20 **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.

5.21 **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.

5.22 **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.

5.23 **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 3a for recreation, amenity and environmental purposes will be supported where an effective means of flood risk management is evident. All new development will be expected to ensure that it does not increase the level of flooding experienced in other areas of the District. Surface water run-off in all developments should be managed, to minimise the net increase in the amount of surface water discharged into the local public sewer system.

5.24 **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.

5.25 **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.

5.26 **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.

5.27 **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.

5.28 **CS14e** states that the principle of a separation area between Magna Park, Bitteswell and Lutterworth will be maintained to ensure the retention of the identity and distinctiveness of these nearby places. Proposals leading to the formation of accessible natural and semi natural green space, tree planting, improved local routes for walking, horse riding and cycling and the promotion of improved biodiversity will be supported in this area.

5.29 **CS Policy CS17: Countryside, Rural Centres and Rural Villages** states that outside the named rural settlements, “new development in the Countryside and other settlements not identified as selected rural villages will be strictly controlled.” Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, that supports visits to the countryside and renewable energy production will be appropriate in the countryside. **CS17c** states that “rural development” will be located and designed in a way that is sensitive to its landscape setting, retaining, and where possible, enhancing the distinctive characteristics of the landscape character area in which it is situated. **CS17c** refers to the district’s five landscape areas, and sets a number criteria to be met by development in those areas – including:
protecting and, where possible, enhancing the character and quality of the landscape in which the development is situated (CS17ci)

conserving and, where possible, enhancing local landscape distinctiveness (CS17cii)

protecting and, where possible, enhancing local character through appropriate design and management which is sensitive to the landscape setting (CS17ciii)

avoiding the loss of features and habitats of landscape, historic, wildlife or geological importance, whether of national or local significance (CS17civ)

safeguarding important views and landmarks (CS17cv)

protecting the landscape setting of individual settlements (CS17cvi)

restoring, or providing mitigation proportionate in scale for damaged features/landscapes in poor condition (CS17cvii)

improving the green infrastructure network, including increased opportunities for public access to the countryside and open space assets (CS17cviii).

5.30 HDC has abandoned the Allocations DPD promised by the 2011 Core Strategy in favour instead of the replacement Local Plan that is underway – but will not be in place before March 2017 if its preparation proceeds to the timetable laid out in the January 2015 LDS (see paragraph 5.19 above).

2001 Harborough District Local Plan

5.31 The sole saved policies of the 2001 Local Plan that are relevant are:

- saved policy EV2, which seeks to protect the open and undeveloped character of defined Green Wedges (one of which lies between Lutterworth and Magna Park)

- saved policy EV3, which responds to the statement (paragraph 3.9) that most settlements in the district are physically separated from each other such that “there is little danger of new development resulting in the coalescence of villages” – but that Lutterworth, Bitteswell and Magna Park (and two others) are exceptions. Thus EV3 says it will refuse planning permission for development between Lutterworth, Bitteswell and Magna Park that would adversely affect the predominantly open character of land, or result in a reduction of open land separating these settlements.

The Relevant NPPF Policies

5.32 The NPPF’s overriding objective is to secure the sustainable development needed to meet the needs of the country’s communities and businesses. Sustainable development has three dimensions (NPPF paragraph 7):

- an economic role – contributing to building a strong, response and competitive economy by ensuring that sufficient land of the right type and in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirement, including the provision of infrastructure;
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- a social role – supporting strong, vibrant and healthy communities by, amongst other things, creating a high quality built environment, with accessible local services that reflect the community’s needs and support health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

5.33 **NNPF 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.”

5.34 **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.

5.35 **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.

5.36 **NPPF paragraph 14** sets out the presumption in favour of sustainable development and explains what it means for decision-taking (set out above at PS Section 5, paragraph 5.4).

### The Relevant Provisions of the NPPF

5.37 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).

5.38 **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**

5.39 **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.”

5.40 **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.

5.41 **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**

5.42 **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.

5.43 **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.

5.44 **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.

5.45 **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**

5.46 **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.

5.47 **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.

5.48 **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.

5.49 **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.

5.50 **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**

5.51 **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.
5.52 **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.

5.53 **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*

5.54 The NPPF recognises that action to reduce the impact of human activity on the climate system will be achieved primarily through reducing greenhouse gas emissions. **NPPF paragraph 93** emphasises that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure; and makes it clear that it is this that is central to the economic, social and environmental dimensions of sustainable development.

5.55 **NPPF paragraph 96** directs local authorities when determining applications to expect new development to comply with their Local Plan requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and to take account of landform, layout, building orientation, massing and landscaping and to minimise energy consumption.

5.56 **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.

5.57 **NPPF paragraph 99** restates the need for new development to be planned to avoid increased vulnerability to the range of impacts arising from climate change.

5.58 **NPPF paragraphs 100 and 103** direct development away from areas at the highest risk of flooding and which does not increase flood risk elsewhere.

*Conserving and enhancing the natural environment*

5.59 **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.

5.60 **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.
5.61 **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.

5.62 **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**

5.63 **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.

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

5.65 **NPPF Paragraph 131** states that in determining planning applications affecting heritage assets, LPAs should take account (amongst other things) of the positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic viability, and the desirability of new development making a positive contribution to local character and distinctiveness.

5.66 **NPPF Paragraph 132** states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Any harm or loss should require clear and convincing justification. Substantial harm or loss of a designated assets of the highest significance – notably scheduled monuments, grade 1 and II* listed buildings (amongst others) – should be wholly exceptional.

5.67 **NPPF Paragraph 134** states that where a development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.68 **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”.

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**Planning Statement**

**Magna Park**

**Lutterworth**

**IDI Gazeley**

**Brookfield Logistics Properties**
Plan-making

5.69 **NPPF paragraph 157** explains the “crucial” requirement for local plans to “plan positively for the development and infrastructure required in the area” (bullet 1); be based on cooperation with neighbouring authorities; allocate sites to promote development and flexible use of land, bringing forward new land where necessary (bullet 5).

5.70 **NPPF paragraphs 160-161** set out the obligation on LPAs to have a clear understanding of the business needs within the economic markets operating in and across their area – and, in developing that understanding, to work together with neighbouring authorities to develop and maintain a robust evidence base and to work closely with the business community to understand their changing needs and identify and address barriers to investment. (NPPF paragraphs 160-161)

5.71 **NPPF paragraphs 178-179** set out the “duty to cooperate” on planning issues that cross administrative boundaries – to meet development requirements which cannot be met in their own areas – “for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of [the NPPF]."

Decision-taking

5.72 **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.”

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

Relevant Provisions of Planning Practice Guidance

5.74 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, remove 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.

5.75 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

5.76 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
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.

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.

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 green spaces will be enhanced if integrated into a wider green network of walkways, cycleways, open spaces and natural and river corridors.

Paragraph 13 (ID: 26-013-20140306) advises that the structure, layout and design of places can help reduce their resource requirements (energy, water, land take), sustain natural ecosystems and mitigate against flooding, pollution and overheating. 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.

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.

**Design and Climate Change**

5.84 Paragraph: 001 (ID 6-001-20140306) makes it clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. Further, that the protection of the local environment must always be properly considered alongside the protection of the global environment. Planning can therefore help increase resilience to climate change impact through the location, mix and design of development, at both the plan making and development project levels.

5.85 Paragraph 13 (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.

5.86 Paragraph 012 (ID 5-012-20140306) sets out the particular planning considerations that relate to active solar technology (Photovoltaic and Solar Water Heating).

5.87 PPG Paragraph 013 (ID: 26-013-20140306) explains that planning should promote the efficient use of natural resources and that the structure, layout and design of places can help reduce their resource requirements in terms of energy demands, water and land take, and help to sustain natural ecosystems.

5.88 PPG Paragraph 28 (Reference ID: 26-028-20140306) explains that materials should be practical, durable, affordable and attractive.

5.89 PPG Paragraph: 085 (Reference ID: 7-085-20150323) advises that any sustainable drainage system should be designed so that the capacity takes account of the likely impacts of climate change and likely changes in impermeable area within the development over its lifetime and continues to provide effective drainage for properties.

**Air Quality**

5.90 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**

5.91 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**

5.92 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.

5.93 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.

5.94 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**

5.95 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.

5.96 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.

5.97 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**

5.98 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.
5.99 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

5.100 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

5.101 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.\(^6\)

**Conclusion: the Main Planning Issues**

5.102 Having regard to the considerations set out in the PS at Section 2 (the context for the application proposals, including Magna Park’s planning history), Section 3 (the evolution of the proposals) and here in Section 5 (the relevant planning policies and the material considerations) – and taking into account the application proposals, their location and site (PS Section 3) – the main planning issues can be summarised as follows:

- the conflict of the principle of the application proposals with policy CS7h (and by implication CS7j) of the 2011 development plan
- the extension of Magna Park into the open countryside – the principle, the performance of the application proposals and the implications for climate change
- the other environmental impacts of the application proposals
- the economic and social benefits of the proposals.

5.103 “Prematurity” is discounted as an irrelevant consideration in the circumstances of this planning application. Paragraph 14 of the PPG (ID: 21b-014-20140306) states, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, taking the policies of the NPPF and any other material considerations into account. Such circumstances are likely (but not exclusively) to obtain where both: the development is so substantial, and its cumulative effect would be so significant, that to grant permission would undermine the plan-making process; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.104 Those circumstances do not exist here. While a replacement Local Plan is in progress, it is at a very early stage. Moreover, as PS Section 6 paragraphs 6.8-6.16 find, the existing development plan policy that relates specifically to Magna Park (CS7h) is wholly inconsistent with the objectives, principles and policies of the NPPF and relies on an out of date evidence base. Accordingly, the NPPF’s “presumption in favour of sustainable development” is engaged.

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\(^6\)Note – 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).
6  THE PLANNING ASSESSMENT

Introduction

6.1 This section draws on Sections 1-5 of this PS, the material in the Environmental Statement and the DAS to assess the application proposals against the relevant planning considerations. The assessment is structured under the main planning issues that bear on the determination of the application:

- Main Issue 1: the conflict of the principle of the application proposals with policy CS7h (and by implication policies CS7f and CS17) of the 2011 development plan
- Main Issue 2: the extension of Magna Park into the open countryside
- Main Issue 3: the other environmental impacts of the application proposals
- Main Issue 4: the economic and social impacts of the proposals.

6.2 Section 7 which follows picks up, in the context of the Heads of Terms of the S106 Agreement, the proposals for mitigation of adverse impacts and the enhancement of positive benefits where these are not capable of being embedded in the design of the application proposals. Section 7 also sets out the further consents that will be required to deliver the proposals and the actions that will be taken, and when, to pursue them.

6.3 Section 8 concludes the planning assessment and considers the planning balance, weighing up the case, on grounds of planning policy and the material considerations, for the grant of planning permission for the application proposals.

Main Issue 1: the Conflict with the Development Plan

Policy CS7h

6.4 CS Policy CS7h (part of CS7 – Enabling Employment and Business Development) makes specific provision for Magna Park. CS7h is unequivocal: it states that no further phase of development or large scale expansion of the site beyond the existing development footprint of Magna Park will be supported. While CS7h leaves the definition of the footprint to the now abandoned Allocations DPD, the absence of that definition does not alter the meaning of CS7h. CS7h precludes a further phase or large scale expansion that would extend Magna Park.

6.5 The position of policy CS7h, nonetheless, stands at odds with the evidence cited by the CS itself on the need for warehousing arising in Harborough. Table 11 of the CS, part of the written justification for the policy, sets out that need citing the source as the 2008 Leicestershire HMA Land Study. Table 11 shows a “gap”, in Harborough, of 32.9 ha by 2026 between the demand for warehousing and the supply of land to meet it.

6.6 The written statement justifies the policy CS7h on the following grounds:

- Harborough is understood to fulfil “predominantly local market needs”. Paragraph 5.70 states the position thus: “Harborough’s contribution to Leicestershire’s growth is to...make “local as opposed to strategic provision for employment”. 
- Magna Park, though a successful and “in demand” location and a “significant employment site” and “generator of jobs contributing to the local economy”, meets “a regional, or strategic rather than local need” (paragraph 5.73).

- Harborough is not obliged to meet the need for additional warehouse land because it is a “strategic” rather than local requirement (paragraph 5.69).

- Thus the 32.9 ha shortfall does not amount to an “overall strategic need for additional employment land to be identified [in Harborough]” (paragraph 5.69).

- The 32.9 ha shortfall is “deemed” in any case to be an over-estimate because of the “standardised renewal methodology” adopted by the 2008 study (paragraph 5.69). While the methodology is not explained, the terminology implies that a proportion of the 32.9 ha additional need would be met through the redevelopment of existing sites (because the buildings on them will have to be renewed during the plan period).7

6.7 The written justification goes on to explain further why Magna Park should not be allowed to expand, despite being successful and “in demand”:

- Development densities in the District have been dominated by take up at Magna Park – and “a move [is needed] to provide different types and a more flexible portfolio of land and premises, to encourage a more efficient use of land on the basis, to encourage higher quality jobs, and to encourage higher densities than before and therefore the need for land is less.” (paragraph 5.70)

- Having regard to the “evidence studies”, the criteria they set, future developments in road/ rail infrastructure, travel to work patterns and the type and skills levels of logistics jobs compared to the skills of the district’s residents, “there are more suitable locations and sites (both rail and road-linked) than Magna Park within the region and sub-region to meet forecast need for strategic distribution to 2026.” (paragraph 5.73)

- The Allocations DPD would provide a mechanism to assess existing and proposed sites, meet any shortfalls, replace losses or facilitate the renewal of existing sites (paragraph 5.69).

- Subject to review, therefore, the “existing premises, sites with outstanding planning, and outstanding / or partially developed allocations” will...“substantially meet future employment needs of the district to 2028.” (paragraph 5.70)

- Therefore “on the balance of the evidence”, the preference is to protect Magna Park’s strategic role for distribution and safeguard its future, but to “support the national / regional drive for a modal shift of freight from rail to road.” (paragraph 5.73)

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7 While there are a number of difficulties with the “standard renewal methodology” (and the 2008 study itself), it is not the purpose here to challenge the evidence in Table 11. The 2008 study, regardless of any shortcomings in its robustness, is clearly out of date in any case. That is the point that is material here.
### The Inconsistency of CS7h with the NPPF

6.8 The stance and substance of policy CS7h and the reasoned justification for it stand sharply apart from the principles, objectives and policies of the NPPF. The consequence is to make policy CS7h very substantially inconsistent with the NPPF and accordingly very substantially to diminish its weight in the planning balance (NPPF paragraph 115).

6.9 Policy CS7h is at odds with all of the following fundamental provisions of the NPPF as follows:

- Policy CS7h frustrates, rather than promotes, economic growth in the district that is demonstrably achievable, and does so contrary to the very evidence the CS itself cites (Table 11 in the written justification for CS7h). The NPPF does not “allow” a planning authority to step away from growth on grounds simply that they do not want it. Instead, accommodating the growth within any area must be sufficiently contrary to the principles and policies of the NPPF to justify precluding provision for it (NPPF paragraphs 178-179).

- Policy CS7h is not founded on an up-to-date evidence base (NPPF paragraph 160 and PPG paragraph 32) in quantitative or qualitative terms, and certainly not an evidence base that could justify, and be consistent with the NPPF (paragraphs 160-161 and 178-179), the view that Harborough’s economic role is solely “local”. Indeed it is unlikely that such a role could ever by justified, either evidentially or in any other way that would be consistent with the evidence. Magna Park cannot be set aside because it is there: the park employs some 9,300 people (some 24% of the district’s jobs); contributes £20 million annually to business rates; and generates some £381.3m annually in GVA.

- Policy CS7h ignores the very qualities of the location and the park that make it successful and “in demand” (NPPF paragraph 22, PPG paragraph 32). As the SoS stated in his 1992 decision, Magna Park has been self-evidently successful in attracting large blue chip companies because of its “all around suitability.” (PS Section 2, paragraph 2.16 bullet 8)

- Policy CS7h shows no evidence of having understood the needs of the logistics businesses in its area, although logistics is a market that operates within it and across its area (NPPF paragraph 160).

- The CS7 policy and written justification do not acknowledge the particular needs of the logistics sector – for locations close to strategic transport infrastructure and away from settlements for 24/7 operation yet close enough to suitably skilled labour – nor acknowledge the very characteristics of Magna Park that make it the success the plan recognises. (NPPF paragraphs 17, 21, 22, 160-171 and PPG paragraph 32). It is contrary to the most basic principle of the planning system both to fail to understand the dynamics and needs of the economy of the area and to pick and choose the sectors of the economy which a Local Plan wishes to provide for.

6.10 The inconsistencies with the NPPF are more compelling still because the logistics sector was then, and is now, growing in value and employment terms, has unmet land needs. The sector is also a focus of HDC’s own Open for Business Action Plan, and is a key sector in
the Strategic Economic Plans of all four LEPs that operate (and have since 2011 – PS Footnote 4) within the area of Magna Park’s labour market catchment. Yet CS7h rejects – over the whole of the 2028 plan period – the possibility of expansion.

6.11 The CS provides no evidence to explain why other sites would be more suitable to meet the sector’s needs than Magna Park. Indeed, the CS extols the park’s environmental credentials as well as its economic benefits – neither of which are examples of the reasons cited by NPPF paragraph 179 that might excuse an LPA from meeting the economy’s needs within its own boundaries.

6.12 Finally, the CS also makes no provision for cooperating with neighbouring authorities to ensure that the acknowledged demand for Magna Park could or would be met elsewhere – yet relies on the provision of “more suitable locations and sites (both rail and road-linked)” elsewhere to meet the need evidenced in CS Table 11.

6.13 The shortcomings in the CS evidence base add to the inconsistencies with the NPPF (paragraphs 22, paragraphs 160-161). The notion of a mismatch between Harborough’s skills base and those of the logistics sector as a reason to reject the expansion of Magna Park was categorically dismissed as “quite wrong” by the SoS in 1992 when the park – as a measure of its far more than local significance – was estimated, with expansion, to employ some 6,000. The park employs some 9,300 now and with the grant of planning permission for the DHL Supply Chain, would employ another 1,230 – that is, more than 10,500 in total. Thus it would be even “more wrong” now to take a parochial view of the park’s significance.

6.14 The 2008 evidence base for CS7h (quite apart from its questionable robustness) is indisputably out of date. It is material that no review of the sector’s land needs was undertaken as indicated by the CS at paragraph 5.71 and the Allocations DPD promised by CS7h was not pursued.

6.15 In sharp contrast to the 2008 evidence base (and just six years later) the Leicester and Leicestershire November 2014 Strategic Distribution Study (the SDS) finds a requirement in the county by 2026 for between 811,000 and 1,036,000 sq m of additional warehouse space in units larger than 23,225 sq m (equating to between 203 and 259 ha at a development density of 40%). While the SDS “assigns” 58% of that requirement to strategic rail sites, the feasibility of delivering that share depends in turn on the delivery of the needed additional rail infrastructure and train path capacity. The PS summarises the SDS findings in Section 2 at paragraphs 2.72.

6.16 As the SDS evidences, and as the demand from DHL Supply Chain for the 100,844 sq m facility underscores, there is unmet demand for the extension of Magna Park. There is demand for Magna Park not just because the logistics sector needs warehouse space, but because Magna Park – its quality, operating efficiencies and its environmental credentials (acknowledged by the CS) – meets those needs in exemplary fashion. Moreover, the SDS sets out a sequential approach for identifying the additional land the growth of the logistics sector needs in the county, and places the extension of existing sites at the top of the sequential hierarchy.
Policies CS7f and CS17

6.17 CS7f supports employment development only where it contributes to the retention and viability of rural services or land-based businesses; aids farm diversification; or promotes the conversion and re-use of appropriately located and suitably constructed existing buildings.

6.18 The justification for the CS7f is not dissimilar to that for CS7h – a sequence of reasons that goes like this: there is no need for further employment land in the district because demand outstrips supply save for warehousing; warehousing is strategic, not local and therefore not for Harborough to supply; any (though unlikely) needs for further employment land (or minor adjustments to the boundaries of the existing Key Employment Areas) will be dealt with through the, now long-abandoned, Allocations DPD; and the overarching policy on the countryside, CS17, precludes any development in the countryside that is not for the purposes of agriculture (and related), renewable energy or public amenity (including sport).

6.19 The extension of Magna Park for strategic warehousing does not constitute one of the circumstances allowed either by CS7f or CS17, and therefore the application proposals are also in conflict with both policies.

The Inconsistency of Policies CS7f and CS17 with the NPPF

6.20 The NPPF makes provision for the prosperity of rural areas at paragraph 28 and states that plans should:

- support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development; and
- do so by, amongst other ways, by supporting the sustainable growth and expansion of all types of business and enterprise, including in “well designed new buildings”.

6.21 The NPPF does not, as a matter of principle, preclude development in the countryside. Instead, the NPPF:

- states, as a fundamental guiding principle (paragraph 17 bullet 5), that planning should take account of the different roles and characters of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it; and
- sets out, in its policies on the natural environment (paragraphs 109-125), the criteria to be brought to bear in considering development that affects it.

6.22 In other words, there is nothing in the principles of the NPPF that prevents employment development in the countryside.

6.23 Thus policy CS7f too is inconsistent with the principles and relevant policies of the NPPF. Policy CS7f:

- does not positively and proactively promote economic development;
- does not support economic growth in a rural area;
- does not support the sustainable growth and expansion of all types of business and enterprise; and
- relies on an out-of-date evidence base to justify its position – an evidence base precludes the expansion of Magna Park despite the need set out in Table 11 and delays the review of Key Development Sites and employment sites in Key and Rural Centres to a now abandoned Allocations DPD.

6.24 Policy CS17 in turn is also inconsistent with the provisions of the NPPF for the same reasons that CS7f and CS7h are, in that:

- CS17 does not positively or proactively promote sustainable economic growth in the countryside, but instead defines what constitutes “appropriate” development with no reference to the criteria (e.g., that CS7c sets out) which would allow a proper assessment of what would constitute sustainable development in the countryside.
- The spatial strategy which underpins CS17 is out of step with the NPPF’s central purpose – to deliver the sustainable economic growth that the country needs – and relies on the faulty justification that underpins CS7f and CS7h and on evidence which is plainly out-of-date (see PS paragraph 6.5 above).
- Notwithstanding the evidenced need (CS Table 11) for an additional 32.9 ha of warehouse land in the district, CS17 provides the rationale which justifies the constraints on growth imposed by policies CS7f and CS7h (“no development in the countryside”).
- The de facto countryside designation precludes the expansion of Magna Park on grounds that there are more suitable sites elsewhere to accommodate the evidenced need for 32.9 ha of additional warehouse land – a position that is unsubstantiated by any evidence of the suitability of adjoining land (by definition in the countryside), the impact of such development (positive or negative), the harm to the character of the landscape or anything else other than the fact that the park plays a “strategic” role and is therefore not in keeping with Harborough’s “local economic role”.

**Conclusion: the weight to be accorded the conflict with CS7h, CS7f and CS17**

6.25 The degree of inconsistency of policies CS7h and CS7f with the provisions of the NPPF is so great as to very significantly diminish the weight that can be accorded to the conflict with the application proposals. The weight of CS17 is similarly diminished in respect of the application proposals.

6.26 It is contended here that the inconsistency of these policies with the NPPF is so substantial as to make all three out-of-date in the terms meant by NPPF paragraph 14 bullet 4 and thus to engage the NPPF’s “presumption in favour of sustainable development”. The PS returns to the point briefly below in paragraph 6.130.i and takes it up in full in Section 8 in the context of setting out the balance.

**Main Issue 2: the Extension of Magna Park into the Countryside**

6.27 There are three considerations that bear on the main issue of the proposed extension of Magna Park into the countryside:

i. The principle of extending Magna Park into the countryside – contrary to policy CS17 of the development plan but not to the NPPF.
ii. The performance of the application proposals on:
   - the criteria set by policy CS17c for the tightly restricted types of development CS17 allows in principle as appropriate in the countryside;
   - the provisions of CS8: Protecting and Enhancing Green Infrastructure and saved policies EV2 and EV3; and
   - the criteria set by part 11 of the NPPF for the conservation and enhancement of the natural environment not otherwise dealt with under Main Issue 3: Other Impacts.

iii. The challenges posed by climate change and the need to reduce greenhouse gases while also delivering the development the economy needs, where it is needed. Effective spatial planning – locating the right development in the right locations – is an important part of a successful response to climate change and the reduction of greenhouse gases.

**The principle**

6.28 The principle of the application proposals is contrary to development plan policies CS7f and CS17, but the principle is not inconsistent with the NPPF, either its specific provisions for conserving and enhancing the countryside (paragraphs 109, 110, 111, 112, 113, 114 bullet 1, 117 and 120) or for positively and proactively pursuing sustainable economic growth (paragraphs 7, 17 bullet 3, 18, 21 bullet 3, 22, 61 and 160-161).

6.29 The fact of these inconsistencies on the principle of the application proposals diminishes the weight of policy CS17. Accordingly, the weight to be accorded to the conflict of the application proposals with the development plan in respect to this policy is also diminished. The PS returns to the point in Section 8.

6.30 Also material to the consideration of the principle of developing the application proposals on land which policy CS17 precludes, is the SoS’s 1992 decision to permit Phase 2 of Magna Park (PS Section 2, paragraphs 2.14-2.18). Key principles established by that decision are:
   - the acceptability of bringing forward land in the countryside where there is a clear need and where the development would bring about significant economic and employment benefit and where the impacts were capable of mitigation, either through the design of proposals or by way of S106 undertakings; and
   - the incremental approach to the proposals and thus the incremental nature of the impact to a comprehensive plan, now implemented and to which the DHL Supply Chain application adds, following the same approach of an individually landscaped plot, high quality building design, heavy landscaping to screen for visual impacts and to extend and enrich ecological habitat.

**The performance of the proposals on the relevant countryside criteria**

6.31 Policy CS17 sets criteria that is aimed at guiding the location and design of the narrow range of largely agricultural and related uses it specifies as appropriate in principle in the countryside. Those criteria – though not intended to apply to development for distribution
warehousing – are nonetheless relevant here as their purpose is to protect the countryside from development that would be harmful to it.

6.32 Also relevant are the provisions of development plan policy CS7: Protecting and Enhancing Green Infrastructure which deals almost wholly with the district’s countryside resource.

6.33 The NPPF’s provisions for determining whether such development constitutes sustainable development are set out in the paragraphs noted above in PS paragraph 6.28.

6.34 The application proposals perform against the CS17 and NPPF criteria as set out below. The details of the application proposals are set out in the DAS in Sections 7-9 and the application drawings referenced in Appendix 1 to the PS.

The Policy CS17c criteria

6.35 The application proposals – in the orientation and siting of the principal and ancillary buildings, the approach to the access infrastructure and the arrangement of the site, and in the landscape, planting and water management strategy – response directly to a full assessment of the Lutterworth Lowlands and Upper Soar Landscape Character Areas (and to the High Cross Plateau Landscape Character Area on the west side of the A5). None of these has the benefit even of a local designation, although the site has a distinctive character and the beauty that is intrinsic to any countryside. The scheme has been designed expressly to avoid the loss of characteristic features and habitats. Were some diminution has proved unavoidable, the design proposals incorporate enhancements elsewhere on the site. The DAS explains in full in Section 8.

6.36 Overall, the density of the application proposals is just 18.5% (calculated as a 102,007 sq m GEA development sited on the 55.41 ha site). The whole of the DHL Supply Chain demise totals 21.86 ha and equates to just 46% of the site. The major share of the remainder of the site is given to landscape works precisely so as to fit the development into the landscape with minimal impact on the features that characterise it, to minimise its visual effects from important viewpoints (from within and outwith the site) and to restore, reinforce and add to native planting and habitat.

6.37 Chapter 9 of the ES provides a full landscape and visual impact assessment, and – as set out more fully below – concludes that with the design measures embedded in the application proposals, there will be no significant residual impacts on the three Landscape Character Areas affected by the development.

6.38 The Artificial Lighting Strategy (both submitted separately and included as an appendix to Chapter 9 of the ES) adopts advanced lighting technologies to reduce very significantly, compared to the existing park, the visual effects on the night sky. External lighting will have a maximum tilt of 5° at any location and the installation will comply with “ILE External lighting Guidelines & Dark Sky policy’s Zone E2. The extended estate road leading up to the development will be provided with the same specification LED luminaires on columns

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8 Industry practice assumes that the buildings will occupy 40% of a standard site: thus the 102,077 sq m gross external area of the main and ancillary buildings (with a gross internal area of 100,844 sq m) would ordinarily be expected to occupy a site of 25.5 ha.
designed to Leicestershire County Council (LCC) standards. Each fitting will be provided with a dimmable driver which will enable additional energy savings and reduced lux levels. Low energy LED lighting will also be provided to the new A5 and Mere lane roundabouts in line with Highways England and LCC standards.

6.39 The s106 Heads of Terms (PS Section 7) go still further to mitigate the cumulative artificial lighting impacts, and make provision for a reduction in the light pollution caused by the existing park. Two schemes are put forward, funded by IDI Gazeley: to replace the park’s existing street lighting with low energy LED luminaires and dimmers; and to replace, with the same technologies and external lighting installations, the lighting on existing buildings and yards that face onto Mere Lane.

6.40 The landscape design and planting schemes create, through habitat creation and enforcement of retained hedgerows and woodlands, wildlife corridors around the periphery of the site, around the warehouse and associated infrastructure, and across the site. The proposals’ SUDs schemes will provide on-site breeding habitat for all species of amphibians known to occur in the local area. The design scheme incorporates the creation of a permanent waterbody with graded banks to support marginal, emergent and aquatic plants, as well as suitable foraging habitat within the margins and wetland vegetation, created through reed beds and alder carr, whilst the woodland and hedgerows will offer shelter and hibernation opportunities. The strategy incorporates piled logs and rock piles at strategic locations around the site to enhance sheltering and hibernation opportunities for amphibians, whilst also attracting invertebrates. Any reptiles within the area will also benefit from the provision for amphibians at the site.

6.41 Other measures incorporated into the landscape design are:

- additional hedgerow planting and new spinnies (incorporating some trans-located trees) along the edges of Mere Lane and along the new road link to the A5 to strengthen existing gaps, compensate for removed trees and to maintain a verge, hedge and wooded character to all parts of Mere Lane;
- a maintained grassland ride, to be defined with new planting, along the permissive bridleway alongside Mere Lane;
- the reinstatement / replacement of the boundary vegetation on the north western boundary on a new bank, forming a spinney of climax species and woodland understorey to provide enclosure around service yards and restore connectivity for wildlife;
- a network of SuDS ponds to manage run off and maintain water quality and additional linked grassland habitat will be incorporated;
- measures to reinforce existing planting and to enhance wetland habitat will be incorporated;
- attractive routes for cyclists and pedestrian links to a bus stop and through Magna Park are to be incorporated; and
- the retention of the permissive routes in the vicinity of the application site and the alternative provision provided for to compensate for the loss of one route.
6.42 The application proposals therefore satisfy the criteria set by development plan policy CS17c for “appropriate” development in the country, notwithstanding their application to the DHL Supply Chain proposals.

Policy CS8 and Saved Policies EV2 and EV3 Criteria

6.43 As evidenced above, the landscape proposals make a very substantial contribution to the site’s green infrastructure (almost half the site is given over to it) – adding amenities and improving the public’s accessibility to them (a new access point from Mere Lane and a public car park). The current High Level Stewardship Scheme (HLSS) that provides the habitat enrichments of recent years and the permissive footpaths and bridleways across the site ends in 2017; the application proposals will secure and make permanent the benefits of that otherwise time-limited scheme.

6.44 In turn, and in line with development plan policy CS8, therefore, the application proposals contribute to the district’s accessible, high quality and multi-functional green infrastructure network – contributing accordingly to healthy lifestyles and a rich, diverse natural environment. The application proposals do so, as CS8 seeks, through direct developer contributions embedded in the scheme’s design.

6.45 In line with CS8b, the application proposals also wholly protect / have no impact on either the Green Wedge (also saved policy EV2) that lies between Lutterworth, Bitteswell and Magna Park or on the same Area of Separation (saved policy EV3). The proposals cause no loss of or diminution in the quality of the open and undeveloped character of the protected area.

The NPPF Criteria - Conserving and enhancing the natural environment

6.46 The NPPF’s basic principle is that the planning system should contribute to and enhance the natural and local environment (NPPF paragraph 109).

6.47 The application proposals do so in line with the relevant provisions of the NPPF. The proposals:

- protect and enhance the affected landscape, minimise the adverse effects on biodiversity and seek net gains, and create coherent ecological networks that are more resilient to climate change (NPPF paragraph 109);
- although the proposals do not develop brownfield land, they are an incremental extension of a brownfield site and, in extending it, take full advantage of the existing park’s existing infrastructure and common services (NPPF paragraph 111);
- do not take “best and most versatile” agricultural land (78% is grade 3b, moderate to poor, and 1.1% is grade 4, poor and the remainder is non-agricultural – as explained by the separately submitted Agricultural Land Quality Assessment) (NPPF paragraph 112);
- protect as far as possible the affected landscape, making use of the topography to fit the built development into the landscape, avoiding the introduction of alien earth-shaping, and enriching existing spinnies, woodland plantations and hedgerows, all in
keeping with its distinctive character, and provide for mitigations that enhance its landscape and biodiversity value wherever possible (NPPF paragraph 113); and

- minimise the impacts on biodiversity (NPPF paragraph 117) and take full advantage of every opportunity the natural environment offers to incorporate biodiversity into the design of the proposals (NPPF paragraph 118).

The Application Proposals' Response to Climate Change

6.48 The separate submission – Addressing Climate Change Statement – sets out in full the response of the application proposals to the range of considerations that bear on climate change resilience and the reduction of greenhouse gas emissions.

Policy CS9 – Addressing and Meeting the Challenge of Climate Change

6.49 The response of the application proposals to policy CS9 takes full account – having regard to the purposes of the development – the specific circumstances of the site and of the opportunities the site and the scheme offer to comply with, and where the scheme permits, also to advance the climate change responses sought by the policy.

6.50 Referring to the Policy CS9 criteria, the ACCS finds:

- CS9a: Directing development to the most sustainable locations

  The application site is the most sustainable location for the use proposed:

  - it lies within the logistics sector’s golden triangle and is endowed with the infrastructure assets and labour resources the sector requires for efficient operation in the interests of the national and local economies;

  - the site lies away from concentrations of population making 24/7 operation possible with minimal adverse impacts, but is also a proven success in attracting the needed labour;

  - the site extends an existing, very successful, dedicated road-based logistics park that still sets a high bar for the environmental sustainability of the industry;

  - as an extension, the proposal makes use of the park’s existing infrastructure (roads, access, common services, foul water management) minimising the resource consumption required to deliver the development; and

  - the scheme, as an extension, brings the facility within the park’s existing management regime, ensuring that the park’s high environmental sustainability standards are maintained, both within the DHL Supply Chain demise and in the extended public amenity land around the demise.

  The extension of the existing park (under IDI Gazeley’s single management) also makes it possible (as the application proposals provide) to exploit the park’s critical mass to promote and improve public transport services and reduce single occupancy vehicle trips across the park as whole – measures that, amongst other things, will help to reduce greenhouse gas emissions.

- CS9a: Militate against any potential impacts on the environment
The application proposals embed a whole range of design features, mitigation and compensatory measures designed specifically to minimise the environmental impact (set out above in paragraphs 6.35-6.41, 6.43-6.45 and 6.47) as well as transport measures. These measures have all been formulated following extensive consultation and in accordance with the project’s adopted sustainable design principles.

- **CS9b: Prioritise derelict, vacant and under-used land**
  Given the particular requirements of the logistics sector, the use of greenfield land is unavoidable. But, by extending a previously developed site, the application proposals make use of existing infrastructure and services, and create scale advantages which minimise the environmental effects that would otherwise be associated with a free-standing greenfield site.

- **CS9c: Use sustainable materials and construction methods**
  As the DAS sets out in detail, the design scheme makes full use of recycled and recyclable materials throughout, from the structural materials and cladding through to the fitting out of the ancillary office floorspace. The BREEAM Report, appended to the Addressing Climate Change Statement, confirms that the new industrial shell is expected, on detailed design, to achieve a high score of 55.45% against the BREEAM 2014 Version 3.0 Environmental and Sustainability Standard.

  The majority of proposed materials hold BRE Green Guide ratings of A+, A & B rated components and all external hard landscaping and boundary protection and insulation will achieve a Green Guide A or A+ rating. Appropriate measures will be investigated and implemented, to optimise the use of materials in building design, procurement, construction, maintenance and end of life. Materials will be selected based upon their durability and resilience. Consequently, the assessment awards the proposed development a maximum BREEAM 2014 material credits score.

- **CS9d: Non residential developments will be encouraged to meet a BREEAM (or equivalent) assessment rating of very good**
  The pre-development BREEAM assessment rating of very good overall which represents advanced good practice, within the top 25% of all UK new non-domestic buildings.

  The aim at detailed design will be to achieve an Excellent rating. The BREEAM criteria, however, are in part a poor match even with environmentally high-spec large scale distribution warehouses (e.g., although daylight is optimised by the design proposals through roof lights, windows in the buildings’ walls are precluded by the building’s functions, the development by necessity must be located away from settlements to enable 24/7 operation, and its scale means that drawing on a very wide labour market is unavoidable which makes a very high proportion of walking, cycling and bus travel infeasible).

- **CS9e: The use of renewable and low carbon energy sources, along with decentralised energy networks**
The proposals embed design features which will minimise energy use including the incorporation of the highest quality building materials (recycled and recyclable) and provide for savings equating to annual savings of c. 30% of the building’s greenhouse emissions (over what the emissions would be without the following):

- photovoltaic panels (750KWP) which will generate c. 673,500 Kwhrs per annum, saving annually 1,409,400 KG CO\textsuperscript{2} – equating to over 20% of the building’s energy (twice the minimum sought by CS9e).
- solar thermal cells in the main office areas to provide a pre-heat facility for the main office hot water installation – saving a further 700KG CO\textsuperscript{2} per annum.
- air source heat pumps will be installed for the heating and cooling of the main office areas – with very high efficiency for both the heating and cooling cycles – saving a further 42,700KG CO\textsuperscript{2} per annum
- rainwater harvesting systems will be provided for WC and urinal flushing which will save over 30% of the building’s water usage
- connection to the park’s existing central services system – with its biodisc and reed beds for foul water cleansing and management (where there is also a large colony of Great Crested Newts).

- CS9f: Additional innovations which have a positive impact upon climate change

The application proposals support the transition to a low carbon future by:

- a landscape-led design approach that responds to the character and sensitivities of the site’s landscape, ecology and water regime and preserving and where possible enhancing the landscape with very high levels of new planting of native species and the creation of wildlife corridor and adding to habitat value and biodiversity (notwithstanding the “take” of c. 22 ha of land for the demise) and to accessible open space amenities of the site for users
- incorporating an innovative approach to the design of the SUDs and the ecosystems they incorporate
- incorporating a battery of measures to reduce single vehicle occupancy employee travel, enhancing cycle links to Lutterworth town centre, providing nearby bus stops and increasing public transport use
- extending the existing HGV Routing Agreement to avoid settlements and Lutterworth town centre (where there is a designated Air Quality Management Area)
- retaining and enhancing the permissive footpaths and bridleways, binding them into the wider network and making the provision permanent (the permissive paths are provided through a High Level Stewardship scheme which ends in October 2017)
- the provision of extensive new biodiversity and public amenity areas for which public access is enhanced, and the dualling of the A5 which will contribute to an overall improvement of local traffic conditions.
6.51 Together these considerable advantages make the location inherently sustainable in climate change adaptation terms, in full compliance with the relevant provisions of the NPPF (paragraphs 10; 17 bullets 2, 4, 6, 7, 9, 10, 11 and 12; 93, 96, 98, 100, 103 and 124).

6.52 The proposed development will therefore deliver objectively assessed sustainable economic development and in doing so improve people’s lives and the local environment.

**Conclusion on Main Issue 2: the Extension of Magna Park into the Countryside**

6.53 Although development plan policy CS17 precludes development in the countryside as a matter of principle, the NPPF does not.

6.54 Development plan policy CS17 is, therefore, on this fundamental point of principle inconsistent with the NPPF.

6.55 Were development plan policy CS7h not out of date, the basic principle of CS17 might be said to conform to the NPPF. But CS7h is out of date in the terms of the NPPF and, as a consequence, the CS17 blanket prevention of development in all land outwith settlement boundaries, or the boundaries of Key Employment areas, is clearly inconsistent with the NPPF. The application proposals are located on a site that extends, and is directly linked to, the existing Magna Park, which is both a location and a development that is patently suitable for the use for which planning permission is sought and for a quantum of development that is patently needed. PS Section 2, paragraphs 2.14-2.22 and 2.71-2.75, set out the evidence which demonstrates that suitability, and also why the option of an extension to the existing park is solely in the gift of IDI Gazeley.

6.56 The application proposals perform well against the criteria set by CS17c for guiding development in the countryside, and similarly well against the provisions of the NPPF and PPG for environmentally sensitive design and the conservation and enhancement of the natural environment.

6.57 The application proposals also contribute fully to development plan policy CS8 and observe fully the protections conferred by the Green Wedge and Area of Separation between Lutterworth / Bitteswell and Magna Park.

6.58 Finally, the application proposals are sited and designed to deliver a positive contribution to climate change adaptation and greenhouse emissions reduction.

6.59 At this pre-planning permission stage, the application proposals commit to generating just over 20% of the site’s energy needs from renewables and carbon savings totalling 1,452,800 KG CO₂ annually. Overall, the building – at this pre-planning permission stage – would have at least 30% less greenhouse gas emissions than would be the case were it to comply with current building regulations. Once planning permission is granted, IDI Gazeley anticipate being able to partner a renewables provider – with the object of maximising the building’s roof for PVs and thus making the building carbon neutral. That is precisely the process that IDI Gazeley has underway at Magna Park Milton Keynes – the site of its most recently developed warehouse buildings on the scale of the application proposals.
Main Issue 3: the Other Environmental Impacts

6.60 The Main Issue 3 assessment assesses the remaining environmental impacts of the application proposals against the relevant development plan and NPPF policies and the relevant practice guidance.

6.61 The assessment draws principally on the findings and conclusions of the Environmental Statement (ES) to describe the key “residual environmental impacts”: i.e., the remaining impacts, adverse and positive, after the mitigation incorporated in the design of the proposals or put forward in the proposed Heads of Terms of the S106 Agreement.

6.62 Table 6.1 in this section provides a summary of the residual adverse impacts together with the mitigation embedded in the details of the design proposals or put forward by the S106 Agreement. Table 6.2 summarises the residual beneficial impacts (excluding the socio-economic benefits. Finally, Table 6.3 summarises the performance of the application proposals on each impact issue against the relevant policies and practice guidance.

6.63 The assessment shows that, overall and in no individual case, do the application proposals result in a significant residual adverse environmental impact. For several types of environmental impact (transport, landscape, ecology) the proposals create net benefits.

6.64 The assessment here covers, in line with the Scoping Opinion adopted by HDC for the application’s Environmental Impact Assessment (PS Section 1, paragraph 1.7):

- transport and access;
- noise and vibration;
- hydrology;
- landscape and visual (including artificial lighting);
- air quality;
- heritage and archaeology; and
- ecology and nature conservation.

Residual Adverse Impacts

6.65 Table 6.1 sets out the summary of the residual environmental impacts by topic. The terminology is that in the ES, observing the EIA convention in each case. The ES process is objective and factual, with the scope of each assessment agreed by the relevant authorities and carried out to industry standard methodologies that are also agreed.

6.66 The significance criteria are also set by the guidance particular to the impact issue, and the conclusions on the significance of any impact judged against the industry standard criteria, thresholds or guidance.
### Table 6.1 The Residual Adverse Environmental Impacts of the Application Proposals

<table>
<thead>
<tr>
<th>Topic/Impact</th>
<th>Embedded design mitigation measure</th>
<th>Mitigation measures requiring S106 or planning condition</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traffic &amp; Transport (ES Chapter 6)</strong></td>
<td>▪ The realignment and widening of Mere Lane section</td>
<td>▪ Travel Plan (planning condition)</td>
<td>▪ Minor/ major beneficial residual impact on highways conditions (including junctions) (refer to Table 6.2)</td>
</tr>
<tr>
<td></td>
<td>▪ A new roundabout at the A5/ Mere Lane junction</td>
<td>▪ HGV routeing (legal obligation)</td>
<td>▪ moderate adverse residual impact on Mere Lane. Non-significant</td>
</tr>
<tr>
<td></td>
<td>▪ Extension of the dual carriageway on the A5 from Emmanuel Cottages to the new roundabout</td>
<td>▪ Traffic and transport measures within the CEMP (including access strategy)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Maintenance/creation of access arrangements for Bittesby House</td>
<td>▪ Construction Workers Travel Plan (CWTP)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ the relocation of the existing weight restriction to the north east of the new roundabout on Mere Lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Capacity improvements are proposed at the A4303/ A426 roundabout.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Noise &amp; Vibration (ES Chapter 7)</strong></td>
<td>▪ orientation of the proposed building and location of development elements in contributing to the control of noise from the unit to the nearest noise sensitive locations</td>
<td>▪ No mitigation is deemed necessary</td>
<td>▪ Negligible (operational noise). Non-significant</td>
</tr>
<tr>
<td></td>
<td>▪ Noise limits have been set for all fixed plant items such that this impact would not be increased.</td>
<td></td>
<td>▪ Negligible (road traffic noise) Non-significant</td>
</tr>
<tr>
<td>Topic/Impact</td>
<td>Embedded design mitigation measure</td>
<td>Mitigation measures requiring S106 or planning condition</td>
<td>Residual Impact</td>
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</tr>
<tr>
<td><strong>Hydrology (ES Chapter 8)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potentially significant impacts on:</td>
<td>- Development of a surface water management scheme (the SuDS)</td>
<td>- Water management measures within the CEMP (planning condition)</td>
<td>- low likelihood of impact, residual impact is <strong>non-significant</strong></td>
</tr>
<tr>
<td>- water quality in the watercourses from (severe) spillages</td>
<td>- Site is situated within Flood Zone 1, and has a Low Probability of flooding (less than 1 in 1,000 annual probability of river or sea flooding in any year (&lt;0.1%)).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Landscape &amp; Visual (ES Chapter 9)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potentially significant impact on:</td>
<td>- Development of a surface water management scheme (the SuDS)</td>
<td>- Landscape Strategy, including extensive landscaping, biodiversity and public rights of way network improvements (planning condition)</td>
<td>- Minor to moderate adverse residual impacts on Lutterworth Lowlands and Upper Soar LCA and neutral impact on the High Cross Plateau LCA. A <strong>non-significant</strong> impact on LCSs overall</td>
</tr>
<tr>
<td>- Lutterworth Lowlands and Upper Soar Landscape Character Areas</td>
<td>- Design and siting of buildings and infrastructure has been informed by an appraisal of local opportunities and constraints, including topography, location of settlement, heritage asset appraisal, ecology, recreation areas, land use etc.</td>
<td>- External materials to be agreed with HDC (planning condition)</td>
<td>- Neutral to minor adverse and <strong>non-significant</strong>, impacts on day time views experienced by certain receptors</td>
</tr>
<tr>
<td>- deterioration of day time views</td>
<td>- Adoption of an External Lighting Strategy to minimise light pollution and maximise energy efficiency</td>
<td></td>
<td>- Minor adverse, <strong>non-significant</strong> impacts on existing night time views experienced by certain receptors</td>
</tr>
<tr>
<td>- deterioration of existing night time views</td>
<td>- BREEAM maximum score for materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Air Quality (ES Chapter 10)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potentially significant impact on amenity:</td>
<td>- Design and siting of buildings and infrastructure has been informed by an appraisal of local opportunities and constraints, including</td>
<td>- Dust mitigation measures including adoption of a Construction Dust Procedure and Dust Management Plan (DMP)</td>
<td>- Minor adverse and <strong>non-significant</strong></td>
</tr>
<tr>
<td>- due to dust emissions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic/Impact</td>
<td>Embedded design mitigation measure</td>
<td>Mitigation measures requiring S106 or planning condition</td>
<td>Residual Impact</td>
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<tr>
<td>--------------</td>
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<td>--------------------------------------------------------</td>
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</tr>
<tr>
<td></td>
<td>topography, location of settlement, heritage asset appraisal, ecology, recreation areas, land use etc.</td>
<td>(planning condition)</td>
<td></td>
</tr>
</tbody>
</table>

**Heritage & Archaeology (ES Chapter 11)**

Potentially significant impact on:

- Scheduled Monument Bittesby Deserted Medieval Village (Reference 1012563) (indirect, visual impact)
- archaeological remains (direct impact)

- Design and siting of buildings and infrastructure has been informed by an appraisal of local opportunities and constraints, including topography, location of settlement, heritage asset appraisal, ecology, recreation areas, land use etc.
- Landscape Strategy, including extensive landscaping, biodiversity and public rights of way network improvements (planning condition)
- Preservation by record, (secured by a planning condition)
- Negligible and non-significant on the Scheduled Monument
- Minor adverse, non-significant impact on the archaeological remains

**Ecology & Nature Conservation (ES Chapter 12)**

Potentially significant impacts on:

- non statutory sites by pollution events, impacting upon water quality and the survival of both floral and faunal species.
- non statutory sites due to increased noise and anthropogenic activity
- protected species

- Design and siting of buildings and infrastructure has been informed by an appraisal of local opportunities and constraints, including topography, location of settlement, heritage asset appraisal, ecology, recreation areas, land use etc.
- Adoption of an External Lighting Strategy to minimise light pollution
- Adherence to best practice methodology with regards to pollution and impacts on water courses and affected ponds
- Ecology measures within the CEMP
- Badger sett inspection, prior to commencement of construction (planning condition)
- Where practicable, removal of the existing vegetation from the Site will be undertaken outside of the main nesting bird period (i.e. only within the months September to February
- There will be a minor adverse residual effect on the Common Toad that is non-significant.
- The potential impacts to badgers are considered to have a minor adverse effect and are non-significant
- Negligible and non-significant residual impacts on Otter and Brown Hare
- Negligible impact on nesting birds, which is non-significant
- Residual impacts on non-statutory designated sites is
Residual Beneficial Impacts

6.67 Table 6.2 below summarises the residual beneficial impacts of the proposed development.

### Table 6.2 Residual Beneficial Impacts

<table>
<thead>
<tr>
<th>Topic/Impact</th>
<th>Embedded design mitigation measure</th>
<th>Mitigation measures requiring S106 or planning condition</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traffic &amp; Transport</strong> (ES Chapter 6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• All other sections of the local highway network</td>
<td>• New pedestrian routes and road crossing facilities to link existing Magna Park to Proposed Development.</td>
<td>• A426/ A4303 roundabout improvements.</td>
<td>• Minor/ Major Beneficial residual impact on local highway network</td>
</tr>
<tr>
<td>• Pedestrian Amenity</td>
<td></td>
<td>• Travel Plan to include measures to encourage sustainable means of transport</td>
<td>• Minor Beneficial residual impact on pedestrian amenity</td>
</tr>
<tr>
<td>• Public Transport –journey time</td>
<td></td>
<td></td>
<td>• Minor/ Moderate Adverse on public transport journey times</td>
</tr>
<tr>
<td><strong>Hydrology</strong> (ES Chapter 8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Surface water management</td>
<td>• Implementation of the suitable drainage strategy within the at the detailed design</td>
<td></td>
<td>• Permanent, local effect of moderate beneficial significance</td>
</tr>
<tr>
<td>• Conveyance of flow and materials (surface water)</td>
<td>• Flow conveyance measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic/Impact</td>
<td>Embedded design mitigation measure</td>
<td>Mitigation measures requiring S106 or planning condition</td>
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<td>------------------------------------</td>
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<td>--------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Landscape &amp; Visual (ES Chapter 9)</td>
<td></td>
<td>• Landscaping Strategy and habitat management, enhancements and habitat creation works</td>
<td>• There will be beneficial effects of new planting on the local landscape as it matures</td>
</tr>
<tr>
<td>Ecology &amp; Nature Conservation (ES Chapter 12)</td>
<td></td>
<td>• Landscaping Strategy and habitat management, enhancements and habitat creation works</td>
<td>• The change in habitat composition at the Site will benefit some bird species, whilst causing displacement of others, with a negligible impact overall</td>
</tr>
<tr>
<td></td>
<td>• Habitat management and enhancement</td>
<td></td>
<td>• Overall there will be a significant gain in the biodiversity value of the site, which is considered to be minor beneficial</td>
</tr>
</tbody>
</table>

**The ES Findings: Assessment against the Development Plan Policies**

**Traffic and Transport**

6.68 ES Chapter 6 assesses the likely significant effects of the proposed development on the environment with respect to traffic and transport. A Transport Assessment (TA) has been produced and is provided in Appendix C.1 of Volume 2 of the ES. The scope of the TA was discussed and agreed at meetings with Highways England (HE), Leicestershire County Council (LCC) and Warwickshire County Council (WCC). Further information relating to the methodology used to assess the traffic and transport impacts is provided in Chapter 6 of the
ES. Existing and proposed access arrangements are described in detail in Section 3 of the TA. The assessment has considered the anticipated change in driver journey time and delay; pedestrian and cycle journey time and delay; accessibility and amenity; and public transport conditions on the highway network.

6.69 ES Chapter 6 finds that, due to embedded design measures and mitigation, there will be no significant residual impacts on conditions on the highway network, (including existing junctions), nor on the section of Mere Lane between the site access and the A5.

6.70 Table 6.2 confirms that there are likely to be several beneficial residual impacts associated with the proposed development, including improvements to conditions on the local highway network, pedestrian amenity and public transport journey times.

6.71 The proposed development accords with the overarching Spatial Strategy set out in Policy CS1 insofar as it seeks to strengthen Lutterworth’s role as a Key Centre within the District. With the adoption of the proposed embedded design and further mitigation measures summarised set out in Table 6.1, the proposed development also complies with the relevant criteria of Policies CS1 and CS11 insofar as those policies require that new development is safe, well designed and inclusive. The proposed development also fully complies with Policy CS5 as it will maximise the use and efficiency of existing transport facilities; is compatible with the co-ordinated delivery of transport improvements objective in the place-based policies of the Core Strategy and includes transport enabling and mitigation works geared to transport improvements that are beneficial to the wider area and which can complement works to be provided by other developments.

6.72 For reasons explained in detail in Section 3 of the Addressing Climate Change Statement (ACCS), the proposed development represents sustainable development and it fully complies with Policy CS9, including criterion a), which directs new development to the most sustainable locations. Furthermore, the proposed development accords with Policy CS14 which requires steps to be taken to accommodate businesses dependent on HGV access in locations where such traffic does not need to travel through the town centre. Moreover, through the continued use of Magna Park’s successful HGV traffic routeing scheme, which will be extended to accommodate the proposed development, the proposals will not undermine the policy objective set out in Part b); this focuses on improving air quality and reducing the adverse impacts of traffic flow in Lutterworth town centre. The HGV traffic routeing scheme will be secured by a legal obligation, details of which are provided in section 7 of this PS.

6.73 As well as reinforcing the Strategy set out in Policy CS1, Part d) of Policy CS14 directs proposals for business development in Lutterworth which require access by heavy goods vehicles to locations near the M1, A426 and A4303.

6.74 The proposed development therefore complies with the traffic and transport related policies of the statutory development plan.

*Noise and Vibration*

6.75 The Noise and Vibration Chapter of the ES (Chapter 7) considers the effect of operational activity noise and road traffic noise due to the proposed development. A noise survey was undertaken to help establish the existing background levels at the nearest noise sensitive
locations to the proposed development site. These levels were used to set noise criteria at each of the assessment positions, which were chosen to represent these closest noise sensitivities. An assessment was then undertaken of the impact of the operational and associated noise upon the assessment positions.

6.76 ES Chapter 7 concludes that there will be no significant residual noise impacts arising from the proposed development.

6.77 The proposed development complies with Policy CS1 of the Core Strategy which requires new development to be safe and well designed. Chapter 7 of the ES recognises the role that design and siting has played in minimising noise impacts. The level of impacts do not justify further mitigation. Consequently, the proposed development will not give rise to an unsafe noise environment. For the same reasons, the proposed development complies with Policy CS11 which requires development to ensure that the amenities of existing and future neighbouring occupiers are safeguarded. Accordingly, the proposed development complies with the noise related policies of the statutory development plan.

**Hydrology and Flood Risk**

6.78 ES Chapter 8 identifies the likely significant environmental effects of the proposed development with respect to water resources and flood risk. The chapter takes account of the requirements set out in the recently adopted PPG for Flood Risk and Coastal Change (April 2015) which sets strict tests to protect people and property from flooding and provides guidance on Sustainable drainage systems (SuDS). It is noted that the Environment Agency Flood Zone Maps shows that all of the area within the site boundary falls within Flood Zone 1, which is described within NPPF Table 1 as having a Low Probability of flooding. Flood Zone 1 is defined as land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding in any year (<0.1%).

6.79 ES Chapter 8 explains that there is the potential for impacts on water quality in the watercourses from (severe) spillages. However, it finds that there is a low likelihood of such an event occurring and that the residual impact is not significant.

6.80 Table 6.2 confirms that there will be beneficial, albeit non-significant, impacts on surface water management and flow conveyance.

6.81 Provided that the mitigation measures formulated to minimise impacts on water resources and flood risk are adopted, the proposed development complies with Policy CS1 of the Core Strategy, insofar as it requires that new development is safe, well designed and adapts to climate change and Policy CS9, given it requires the minimisation of environmental impacts and encourages innovation to reduce the risk of climate change impacts. The proposed development also complies with Policy CS10 as it relates to a site with the lowest risk of flooding. Nor will the proposed development increase the level of flooding experienced in other areas of the District. The adoption of the proposed SuDS will ensure that surface water run-off is capable of being managed satisfactorily, to minimise the net increase in the amount of surface water discharged into the local public sewer system. The proposed development also complies with Policy CS11, is it will safeguard the existing and future amenity of neighbouring occupiers.
6.82 Based upon the assessment of construction and operational water quality and flood risk impacts, and the adoption of specific mitigation measures (including the CEMP) which may be secured by planning condition, the proposed development complies with the relevant policies of the statutory development plan.

**Landscape and Visual**

6.83 ES Chapter 9 is a landscape and visual impact assessment (LVIA). It provides information regarding the potential landscape character and visual impacts and the significance of the effects of the proposal. The application includes a detailed External Lighting Strategy (with appendices), submitted as a standalone document and relied upon in the LVIA. An Agricultural Land Quality Report also accompanies the application.

6.84 Notwithstanding the fact that the proposed development would be situated on a previously undeveloped site in agricultural use, and within open countryside, the accompanying ES and supporting documentation confirms that the proposed development would not directly affect any of the particularly sensitive areas described within the NPPF. Nor would there be any adverse effects on the notified special interest features of any such area. The closest designated area, which will not be adversely affected by the proposed development, is the Green Belt to the west of the A5.

6.85 The proposed development site is not classified as best and most versatile agricultural land under the Agricultural Land Classification (ALC) system and there is no overriding case to safeguard the area for agriculture, nor conserve its soil resources. Further information on the composition of the agricultural landscape is provided in the Agricultural Land Quality Report. Nevertheless, IDI Gazeley has taken steps to minimise the loss of, and impact on, agricultural areas and adopted proposals for soil management within the CEMP.

6.86 With the adoption or mitigation measures, ES Chapter 9 concludes that there will be no significant residual impacts on the Lutterworth Lowlands, Upper Soar or High Cross Plateau Landscape Character Areas (LCAs). Similarly, there will be no significant residual impacts on existing day time or night time views. Table 6.2 confirms that beneficial impacts on the landscape will arise as new planting matures.

6.87 The proposed development complies with Policy CS1 of the Core Strategy, insofar as it seeks to develop the green infrastructure assets of the District and support development which protects, conserves, and enhances the District’s built heritage. The proposed development will result in an overall net gain in landscaping and biodiversity and improvements to the public rights of way network. For similar reasons, the proposed development complies with Policy CS8 as it will provide a high quality, accessible and multi-functional green infrastructure network across rural parts of the District. Furthermore, IDI Gazeley has sought to maximise the potential of existing and new green space through the promotion of, amongst other things, recreation, tourism, biodiversity, the protection and enhancement of heritage assets, protection of priority habitats and restoration of fragmented habitats. In all cases, the proposals recognise the need to encourage flora and fauna to adapt to climate change and incorporate biodiversity as part of good design and sustainable development. Accordingly, and for reasons explained in Section 3 of the ACCS, and summarised above at paragraph 6.50 there is also compliance with Policy CS9.
6.88 The proposed development complies with Policy CS11 as it seeks the highest standards of design in new development to create attractive places for people to live, work and visit; respects the context in which it is taking place and responds to the unique characteristics of the individual site and wider local environment beyond the Application Site’s boundaries. Furthermore, the proposed development avoids undeveloped areas of land which are important to the form and character of a settlement or a locality. Moreover, the proposed landscaping and biodiversity measures (including structural planting, mixed native woodland and scattered trees, enhancing areas of retained woodland) respect the setting of the nearby Scheduled Monument, ensuring that residents and visitors can continue to appreciate and enjoy that asset. Accessible natural and semi natural green space, tree planting, improved local routes for walking, horse riding and cycling and the promotion of improved biodiversity will all therefore be provided. Due to the embedded design and siting measures which respond to the local context, and with the adoption of the proposed landscaping, biodiversity and lighting proposals which seek to retain and enhance the distinctive characteristics of the local landscape (including Magna Park, Bitteswell and Lutterworth), the proposed development complies with Policies EV/3, CS14 and CS17.

Air Quality

6.89 ES Chapter 10 describes the potential air quality impacts associated with the proposed development. The proposed development lies close to an Air Quality Management Area (AQMA) declared by HDC for exceedances of the annual mean nitrogen dioxide objective.

6.90 ES Chapter 10 finds that the proposed development will not give rise to an un-safe air quality environment. There is the potential for dust emissions and consequently mitigation measures are proposed including the adoption of a Construction Dust Procedure and Dust Management Plan. ES Chapter 10 finds that there will be minor adverse and non-significant residual dust emission impacts.

6.91 The proposed development therefore complies with Policy CS1 of the Core Strategy, insofar as it requires new development to be safe and well designed and Policy CS11 which requires development to ensure that the amenities of existing and future neighbouring occupiers are safeguarded. The proposed development therefore complies with the air quality related policies of the statutory development plan. There are no other local development plan policy reasons why consent should be withheld on air quality grounds.

Heritage and Archaeology

6.92 ES Chapter 11 assesses the impact of the proposed development on archaeology and cultural heritage. It considers the potential effects of development on both designated and undesignated heritage assets including buried and up-standing remains. The Chapter confirms that the ES was informed by desk-based assessment and programmes of geophysics and field walking. There are no designated heritage assets (Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields or Conservation Areas) or non-designated heritage assets within the proposed development Site. However, the western boundary of the Site is located c.420m north-west of part of the Scheduled Monument Bittesby Deserted Medieval Village (Reference 1012563), although associated planting will extend c.10m away from the eastern boundary of the Monument.
6.93 ES Chapter 11 concludes that the proposed planting, once mature, will mitigate the visual intrusion on the Scheduled Monument from the proposed development. The magnitude of change after mitigation is considered to be negligible. Furthermore, that the impact on archaeological remains within the proposed development site can be mitigated by a process of preservation by record which could be secured by a planning condition, in accordance with the NPPF. Therefore, with appropriate mitigation in place, the significance of the archaeological resource will be safeguarded and the effect upon the archaeological significance of the site can be reduced to minor.

6.94 The assessment confirms that there will be no residual effects upon the Conservation Area of Ullesthorpe or the Listed Buildings within Willey as they are screened from the proposed development by intervening built development and local topography.

6.95 The proposed development will not involve significant change to run off rates into the river, nor will it create significant changes to soil chemistry or hydrology. Consequently, the construction and operation phases of the development will not affect the hydrology of the Scheduled Monument or the Listed Buildings at Claybrooke Mill.

6.96 ES Chapter 11 concludes that any residual effects following mitigation are considered to be minor. As all archaeological remains will be removed by the construction phase of the development there will be no further impacts upon the archaeological resource from the completed development. The Chapter explains that the proposed development will not cause direct harm to Bittesby House, but it will change the building’s setting. However, the magnitude of change will be small adverse as it will not result in loss of the building’s integrity nor understanding of the asset. The cottage is of negligible significance; therefore its loss constitutes negligible change.

6.97 With the adoption of appropriate mitigation measures, including landscaping and preservation by record, the proposed development complies with Policy CS1 of the Core Strategy, insofar as it is supportive of development which protects, conserves, and enhances the District’s built heritage. The proposed development also complies with Policy CS11 as it respects the local context and responds to the unique characteristics of the individual Site and wider local environment beyond its boundaries. The design and siting of the proposed development takes account of the extent and significance of local heritage assets, including their setting, ensuring that residents and visitors will be able to continue to appreciate and enjoy them. The proposed development therefore complies with the heritage related policies of the statutory development plan.

Ecology and Nature Conservation

6.98 ES Chapter 12 addresses the potential effects of the proposed development on ecology and nature conservation. The Chapter was prepared following desk based assessment an Extended Phase 1 Habitat Survey of the Site and a series of fauna surveys. ES Chapter 12 finds that there:

- will be a minor adverse residual effect on the Common Toad that is non-significant.

- The potential impacts to badgers are considered to have a minor adverse effect and are not significant.
Planning Statement

- will be negligible and non-significant residual impacts on Otter and Brown Hare
- will be negligible impact on nesting birds, which is non-significant
- will be residual impacts on non-statutory designated sites; these are negligible and, therefore, not significant; and
- overall, there will be negligible and therefore no significant residual impacts on non-statutory designated sites, habitats or fauna.

6.99 Table 6.2 confirms that the change in habitat composition at the site will benefit some bird species, whilst causing displacement of others, with a negligible impact overall. However, the range of habitat compensation measures and enhancements for amphibians will also benefit any reptiles. Overall, there will be a significant gain in the biodiversity value of the site, which is considered to be minor beneficial.

6.100 The proposed development complies with Policy CS1 of the Core Strategy insofar as it seeks to develop the green infrastructure assets. The proposed development incorporates proposals for biodiversity as part of good design and sustainable development. It therefore also complies with Policy CS8 which also seeks to secure a high quality, accessible and multi-functional green infrastructure network across rural and urban parts of the District and maximises the potential of existing and new green space through the promotion of, amongst other things, biodiversity. The proposed development will ensure the protection of priority habitats and contribute to the restoration of fragmented habitats. Due to the commitments to minimise environmental impacts, through the adoption of mitigation, the proposed development complies with Policy CS9 (particularly criterion a).

6.101 The proposed development therefore complies with the ecology related policies of the statutory development plan.

Summary of the Development Plan Assessment

6.102 Table 6.3 confirms that the proposed development complies with all relevant policies of the development plan; namely those which are concerned with the management of environmental impacts.

Table 6.3 Summary of Development Plan Policy Assessment: Environmental Impacts

<table>
<thead>
<tr>
<th>The Development Plan</th>
<th>Summary of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Core Strategy Policy</strong></td>
<td></td>
</tr>
<tr>
<td>CS Policy CS1: Spatial Strategy for Harborough</td>
<td>The application proposals fully comply, for reasons set out in PS paragraphs 6.71 and 6.81</td>
</tr>
<tr>
<td>CS Policy CS5: Providing Sustainable Transport</td>
<td>The application proposals fully comply, for reasons set out in PS paragraph 6.71</td>
</tr>
<tr>
<td>CS Policy CS8: Protecting and Enhancing Green Infrastructure</td>
<td>The application proposals fully comply, for reasons set out in PS paragraphs 6.43-6.45</td>
</tr>
<tr>
<td>CS Policy CS9: Addressing Climate Change</td>
<td>The application proposals fully comply, for reasons set out in paragraphs 6.50 and 6.87</td>
</tr>
<tr>
<td>CS Policy CS10: Addressing Flood Risk</td>
<td>The application proposals fully comply, for reasons set out in paragraphs 6.78-6.81</td>
</tr>
<tr>
<td>CS Policy CS11: Promoting Design and Built Heritage</td>
<td>The application proposals fully comply, for reasons set out in paragraphs 6.71-6.72 and 6.92-6.97</td>
</tr>
<tr>
<td>CS Policy CS14: Lutterworth</td>
<td>The application proposals fully comply, for reasons set out in paragraphs 6.72-6.73</td>
</tr>
</tbody>
</table>
Planning Statement

The Development Plan

<table>
<thead>
<tr>
<th>CS Policy CS17c: Countryside, Rural Centres and Rural Villages</th>
<th>Summary of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application proposals fully comply, for reasons set out in paragraphs 6.35-6.42</td>
<td></td>
</tr>
</tbody>
</table>

The ES Environmental Impacts: the Material Considerations

Traffic and Transport

6.103 The proposed development complies with NPPF paragraph 17, which includes the need to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and secure high quality design and a good standard of amenity for all existing and future occupants of land. The locational characteristics of the proposed development are accommodated by NPPF Paragraph 29, which 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.

6.104 The planning application has been accompanied by a TA, in accordance with NPPF paragraph 32. Account has been taken of the transport assessment guidance contained within Paragraph 014 (ID: 42-014-20140306) of the PPG. Similarly, account has been taken of Part ID42 of the PPG which provides more detailed guidance in respect of the use of travel plans, transport assessments and statements in decision-taking. As outlined above, IDI Gazeley has sought to exploit opportunities for the use of sustainable transport modes and has committed to the adoption of a Travel Plan to reduce car use; will provide safe and suitable access to the site; addressed the connections between people and places and the integration of new development into the natural, built and historic environment; provided clear and legible pedestrian routes and quality public space, including the proposed pond area adjacent to the main building. The proposed improvements can all be undertaken within the transport network to cost effectively limit any significant impacts related to the development (NPPF paragraphs 32, 35, 58, 61 and 69).

6.105 The proposed approach is also compatible with the strategic objectives set out in A Strategy for the A5 2011-2026 A449 Gailey (Staffordshire) to A508 Old Stratford (Northamptonshire) (December 2013), produced by the A5 Transport Group in conjunction with 18 county, district and borough councils including the HA, LCC, WCC and HDC. Paragraph 32 of the NPPF, which mirrors paragraph 9 of Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development (Department of Transport), emphasises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Furthermore, IDI Gazeley will also secure all necessary consents, and fund all related design and construction works, required in connection with the proposed A5 access improvements (a requirement of paragraph 42 of Circular 02/2013).

Noise and Vibration

6.106 The assessment has shown that in each case, at the nearest noise sensitive receptors the operational noise from the proposed unit would be considered to be below the Lowest Observable Adverse Effect Level. This would relate to an impact of negligible magnitude and not significant. Noise levels at more distant receptors would be lower and therefore the impact would be the same or less. ES Chapter 7 confirms that plant noise limits have been
set within Technical Appendix D.1 such that the effect of the plant noise would be controlled to an impact of no greater than negligible magnitude and therefore not significant. Accordingly, the application proposals will not give rise to noticeable and very disruptive outcomes, which would be considered unacceptable in planning assessment terms. Consequently, the level of impact arising from the proposed development is acceptable in PPG paragraph 005 (ID: 30-005-20140306) terms.

6.107 The application proposals will not generate unacceptable levels of noise pollution, nor give rise to significant adverse impacts on health and quality of life and so complies with NPPF paragraphs 109 and 123. The overall magnitude of noise impact is such that there is no justification for the imposition of unreasonable restrictions, in accordance with paragraph 123. As the application proposals comply with the noise and vibration related policies of the statutory development plan, the noise related policies set out in the NPPF and it satisfies the noise impact acceptability test set out in PPG paragraph 005, there are no reasons, given the absence of any other relevant material considerations, to withhold planning permission for the application proposals on noise and vibration grounds.

Hydrology and Flood Risk

6.108 There are no development plan policy reasons why planning permission should be withheld on water management and flood risk grounds. The application proposals comply with the relevant parts of the NPPF, including paragraphs 17, 58, 61, 100 and 103 and the relevant sections of the PPG for Flood Risk and Coastal Change.

Landscape and Visual

6.109 The application proposals also comply fully with the relevant parts of the NPPF, including paragraphs 17, 56, 58, 60, 65, 73, 75 and 109 and the relevant sections of the PPG, including Paragraphs 001 and 007 (ID: 8-001-20140306), which address the assessment of landscape and townscape character. PPG paragraph 007 (Reference ID 26-007-20140306) advises that planning should promote local character, including landscape setting. Planning should seek to promote character in townscape and landscape by reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

6.110 The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness. However, innovative design should not be discouraged and the accompanying ACCS (particularly, the BREEAM Pre Assessment Report) confirms that very high standards of sustainable design innovation have been applied. PPG paragraph 003 (ID 31-003-20140306) explains that light spill can usually be completely avoided with careful lamp design selection and positioning, by (usually) avoiding lighting near or above the horizontal to reduce glare and sky glow and through good design, correct installation and ongoing maintenance. The accompanying External Lighting Strategy confirms that particular attention has been paid to the proposed lighting specification to minimising glare and sky glow.

Air Quality

6.111 The application proposals do not conflict with the published revised Air Quality Action Plan. Consequently, the proposed development is consistent with NPPF 124 which requires
compliance with, and contributions towards, EU limit values or national objectives for pollutants, taking into account the presence of AQMAs and cumulative impacts on air quality from individual sites in local areas. Furthermore, the application proposals comply with Part ID32 of the PPG, including Paragraph 008 (ID: 32-008-20140306) given that IDI Gazeley has identified location specific and proportionate mitigation to address dust emissions during construction. On this basis there are no reasons, given the absence of any other relevant material considerations, to withhold planning permission for the proposed development on air quality grounds.

**Heritage and Archaeology**

6.112 The application proposals fully comply with the relevant parts of the NPPF, including paragraphs 17 and 58, and the relevant sections of the PPG, including Paragraphs 003, 009 and 007 (ID: 18a-003-20140306). The proposed development will certainly give rise to less than substantial harm, in accordance with the methodology described in Paragraph 017 (ID: 18a-017-20140306).

6.113 It is recognised that there will be an unavoidable level of harm to specific heritage assets. However, based upon the assessment of heritage impacts informed by assessments of significance, and with the adoption of appropriate mitigation measures (including a range of landscaping, biodiversity and recording measures) which may be secured by planning condition, the proposed development complies with the relevant policies of the statutory development plan. The proposed development also complies with the related policies set out in the NPPF. The issue of apportioning weight to be afforded to the non-significant residual harm is considered further in the planning balancing exercise.

**Ecology and Nature Conservation**

6.114 The application proposals fully comply with the relevant parts of the NPPF, including paragraphs 17, 61, 109 and 118. The proposed development would not cause the level of harm warranting refusal contemplated by paragraph 118. The proposed development also complies with the relevant sections of the PPG, including Paragraphs 007, 013 and 007 of the PPG which provide more detailed guidance on biodiversity, ecosystems and green infrastructure.

6.115 Table 6.4 summarises the performance of the application proposals on the other material considerations.

### Table 6.4 Summary of Environmental Impacts against the Material Considerations

<table>
<thead>
<tr>
<th>Material Considerations</th>
<th>Summary of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sustainable development</strong></td>
<td>The proposed development represents sustainable development and accords with the NPPF primary objectives</td>
</tr>
<tr>
<td>Paragraphs 7, 8, 10, 11, 14 and 17 (Core Principles)</td>
<td></td>
</tr>
<tr>
<td><strong>Promoting sustainable transport</strong></td>
<td>The proposed development accords with the sustainable transport objectives of the NPPF. It passes the severity test in paragraph 32.</td>
</tr>
<tr>
<td>Paragraph 29, 31, 32 and 35</td>
<td></td>
</tr>
<tr>
<td><strong>Requiring good design</strong></td>
<td>The proposed development accords with the good design objectives of the NPPF</td>
</tr>
<tr>
<td>Paragraph 56, 58, 60, 61 and 65</td>
<td></td>
</tr>
</tbody>
</table>
## Material Considerations

<table>
<thead>
<tr>
<th>Promoting healthy communities</th>
<th>The proposed development accords with the objectives of the NPPF concerned with public health and wellbeing.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conserving and enhancing the natural environment</td>
<td>The proposed development has been designed and sited to minimise its impacts on the natural environment. The proposed development would not cause the level of harm warranting refusal contemplated by paragraph 118. It includes several beneficial impacts.</td>
</tr>
<tr>
<td>Conserving and enhancing the historic environment</td>
<td>The proposed development has taken account of the significance of local heritage assets and has been designed and sited to minimise its impacts on the historic environment.</td>
</tr>
<tr>
<td>Decision-taking</td>
<td>The presumption in favour of sustainable development applies in this case. The proposed development will improve the environmental conditions of the area.</td>
</tr>
</tbody>
</table>

### PPG

#### Design

- Paragraph 1 (ID: 26-001-20140306)
- Paragraph 6 (ID: 26-006-20140306)
- Paragraph 7 (ID: 26-007-20140306)
- Paragraph 9 (ID: 26-009-20140306)
- Paragraph 13 (ID: 26-013-20140306)
- Paragraph 27 (ID: 26-027-20140306)
- Paragraph 32 (ID: 26-032-20140306)
- Paragraph 16 (ID: 26-009-20140306)

The proposed development has taken account of the guidance contained in the PPG relating to good design.

#### Air Quality

- Paragraph 006 (ID: 32-006-20140306)
- Paragraph 007 (ID: 32-007-20140306)
- Paragraph 008 (ID: 32-008-20140306)

The proposed development has taken account of the guidance contained in the PPG relating to the assessment and management air quality.

#### Natural environment

- Paragraph 007 (ID: 8-007-20140306)
- Paragraph 013 (ID: 8-013-20140306)
- Paragraph 001 (ID: 8-001-20140306)
- Paragraph 007 (ID: 26-007-20140306)

The proposed development has taken account of the guidance contained in the PPG relating to the assessment and management the natural environment.

#### Heritage

- Paragraph 003 (ID: 18a-003-20140306)
- Paragraph 009 (ID: 18a-009-20140306)
- Paragraph 015 (ID: 18A-015-20140306)
- Paragraph 017 (ID: 18a-017-20140306)

The proposed development has taken account of the guidance contained in the PPG relating to the assessment and management the historic environment.

#### Renewable and low carbon energy

- PPG paragraph 009 (ID: 5-009-20140306)
- PPG paragraph 013 (ID: 26-013-20140306)

The proposed development includes measures designed to contribute to tacking climate change (refer to the ACCS for further information).

#### Noise

- PPG paragraph 003 (ID: 30-003-20140306)
- PPG Paragraph 006 (ID: 30-006-20140306)
- Paragraph 008 (ID: 30-008-20140306)

The proposed development has taken account of the guidance contained in the PPG relating to the assessment and management of noise.

#### SPG

- SPG 7 Industrial and Commercial Layout and Design

The proposed development has taken account of the guidance contained in HDC’s SPG’s, insofar
Summary of the Assessment of Environmental Impacts

6.116 While there will be an impact on the surrounding highway network, the proposed package of mitigation measures will ensure that the impact is not so significant as to have an adverse impact on the network. Indeed, specific measures identified in Table 6.2 will have a major beneficial impact on traffic and transport conditions. The application proposals with the traffic and transport related policies of the statutory development plan and with the NPPF’s sustainable transport objectives and it satisfies the severity test set out in paragraph 32.

6.117 Based upon the assessment of landscape and visual impacts, and the adoption of an extensive schedule of embedded mitigation measures (including a range of landscaping, biodiversity and lighting measures), the application proposals comply with the relevant policies of the development plan.

6.118 The application proposals also fully comply with the ecology, heritage, noise and air quality related policies of the development plan.

6.119 There are no reasons why planning permission should be withheld on the basis of the environmental impacts of the application proposals.

Main Issue 4: the Economic and Social Considerations

6.120 The application proposals lead to very significant economic and employment benefits – and by virtue of the approach to the design of the scheme – also social benefits over and above the value locally of the construction and permanent jobs to be created.

Economic Benefits

6.121 The application proposals:

- will deliver, gross, 1,230 permanent full time equivalent (FTE) on site, based on the employment density of the existing park
- will deliver, net for Harborough District, an additional 1,199 permanent full-time equivalent jobs after allowing for displacement and the local multiplier value of the jobs – a 3.4% increase on the total number of jobs in the district in 2012 (employment fell in Harborough by 4% between 2009 and 2012)\(^9\)
- generate on site an estimated:

\(^9\) The multiplier effect is the number of additional jobs supported in the district by the spending of employees and the expenditure by the occupying business locally. Chapter 5 of the Environmental Statement sets out the details of the assessment.
- 344 jobs in high value occupational groups (i.e. Managers; Professional Occupation; and Associate Professional Occupations)
- 197 jobs in mid-level occupational groups (i.e. Administrative and Secretarial and Skilled Occupations);
- 111 jobs in lower level service and sales occupations; and
- 578 process plant and elementary occupations.
  - contribute, annually, additional GVA of some £42.4 million
  - create some 296 (gross) construction jobs, with a net value to the district of between 111 and 144 jobs (depending on the assumptions on leakage and displacement).

6.122 Additionally, the increase in business rates for the district (assuming a rates contribution pro-rata to the park’s existing £20m), would be in the order of £2.6m annually, of which HDC would be entitled to keep some 50%.10

6.123 Chapter 5 of the Environmental Statement finds (Table 5.9) that there are, within the 45 minute catchment within which the majority of Magna Park’s existing employee live, 13,500 Job Seeker allowance claimants. Their occupational profile shows a generally good match with the anticipated occupational structure of the jobs to be created by the DHL Supply Chain operation. As the SoS stated in 1992, the fact that there is a wide labour market catchment for the park is not a mark against the proposals (PS Section 2, paragraph 2.16 bullet 9). It would be as wrong now – and wholly out of step with Harborough’s duty to cooperate with its neighbouring authorities to understand and meet the needs of the industries operating within and across its area (NPPF paragraphs 160, 180)

6.124 In addition to the employment, GVA and rates benefits the application proposals would also:
  - enable an existing blue chip inward investor in the district to expand locally, with all of the efficiencies attendant on remaining in the park and the advantages of the added critical mass of doing so
  - add to the very substantial success of Magna Park, enabling the park – a major contributor to the local economy – to maintain its competitive advantages with the attendant benefits for Harborough district given the very substantial contribution of the park to local prosperity (PS Section 2, paragraph 2.41)
  - provide the commercial rationale needed for IDI Gazeley to:
    - proactively promote the Travel Plan for DHL Supply Chain amongst the park’s existing occupiers with the aim of increasing car sharing and improving the viability of public transport services to the park (recognising that the planning permissions were granted before Travel Plans were common conditions of planning permissions);

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10 The Government formula for the retention of business rates is complex, but Government’s policy since 2013 has been to induce local authorities to support economic growth through this “localism” measure. The present indication is retention locally of about 50% of rates.
extend the promotion of the Employee Routing Plan to existing businesses in the park (PS Section 2, paragraph 2.60); and

increase further the annual contribution to local community initiatives (PS Section 2, paragraph 2.46).

6.125 PS Section 7 sets out the proposals for the Construction Job and Business Employment Strategy aimed at enhancing the local value of the economic and employment benefits.

6.126 Taken together, these economic and employment benefits of the application proposals satisfy the objectives, principles and policies of the NPPF as follows. The application proposals:

- respond to the purposes of the planning system to contribute to the achievement of sustainable development (NPPF paragraph 6)
- contribute to building a strong, responsive and competitive economy, bringing forward land in the right place, of the right type and the right time to support innovation and meet the needs of a sector that is growing and a priority growth and development target for all four LEPs operating within Magna Park’s labour market catchment (NPPF paragraph 7); and
- seize the opportunity for economic growth, providing the jobs people want and need (NPPF paragraphs 8 and 17) and capture it for local benefit.

6.127 Also material is the contribution of the proposals to:

- the objectives of HDC’s Open for Business Action Plan, including proactively to lever clear local benefits from the expansion of the park and supporting the reduction in operating costs of a local business (through the efficiencies to DHL Supply Chain of being able to retain the advantages enjoyed by its existing operations in the park), investing in measures aimed at increasing the integration of the park’s businesses with the local economy
- the objectives of the strategic economic plans of all four LEPs – noting too that NPPF paragraph 180 obliges that HDC work collaboratively with the LEPs on strategic priorities – in particular adding to the competitive advantages of the area in the priority logistics sector, contributing to the development of a better skilled workforce for the logistics sector and providing a state of the art, environmentally sound, and well-designed facility that will retain a blue chip inward investor in the area.

Social Benefits

6.128 The social benefits of the application proposals are:

- the added opportunities, enhanced with proposal proactively to increase the share of park employees who live in the district, to take permanent employment across a spectrum of occupations in a growing sector whose skills needs increasing and for which the local area has a strong competitive advantage;
- the increase in the amenity open space on the site and the enhancements in the public’s access to those amenities, permanently secured for local communities; and
the opportunities, created by the extension, for embedding IDI Gazeley and the park’s occupiers further in the life of the local area and the benefits that follow from a global operation with a strong commitment to be a good neighbour locally.

6.129 These benefits contribute to the development plan, both in assisting the aim of improving the health of residents of the Lutterworth area (CS paragraph 2.25) and policy CS8 which aims to secure the green infrastructure that is essential to healthy lifestyles.

Conclusions: the Planning Assessment

6.130 The assessment of the application proposals on the relevant development plan policies and material policy and practice guidance considerations finds:

i. Main Issue 1: the conflict of the principle of the development with the development plan:
   ▫ The principle of the application proposals is in conflict with Core Strategy policies CS7f, CS7h and CS17. The policies together function to constrain otherwise achievable growth and are directly contrary to the objectives, principles and policies of the NPPF which seek the positive and proactive pursuit of that growth and to the related PPG.
   ▫ The significance of this conflict of the application proposals is substantially diminished by the degree of inconsistency of each of these policies with the NPPF.
   ▫ Policy CS7h is out-of-date in the terms of NPPF paragraph 14, the consequence of which is to engage the presumption in favour of sustainable development.

ii. Main Issue 2: the extension of Magna Park into the countryside
   ▫ Development plan policy CS17 precludes any employment development in the countryside that is not appropriate, and confines that definition to agricultural and related purposes. In doing so, CS17 is out of step with NPPF para 28 and every other provision of the NPPF for the positive and proactive pursuit of sustainable growth.
   ▫ The NPPF recognises the intrinsic character and beauty of the countryside, but does not preclude development in it. The obligation the countryside, but instead aims to conserve and enhance the natural environment.
   ▫ The application proposals comply with the criteria set by policy CS17c for “appropriate” development within the countryside, with policy CS8 for green infrastructure, and with the relevant provisions of the NPPF and PPG for the conservation and enhancement of the natural environment and the design of development within it.
   ▫ The location, siting and design of the application proposals fully address climate change in each of the ways sought by policy CS9 and the NPPF, and exceed the local standards encouraged for on-site renewable energy generation.
Thus, notwithstanding the development of land in the countryside, the application proposals comply with all of these, achieving environmental and social gains jointly with the economic gains. In pursuing these gains simultaneously, the approach of the application proposals is wholly in line with NPPF paragraph 6.

iii. **Main Issue 3: the other environmental impacts**

- The application proposals comply in all other respects with the relevant policies of the development plan, comply with the relevant provisions of the NPPF, and observe the relevant national PPG.
- The proposals result in no significant adverse residual environmental impacts – not as result of transport and access, noise and vibration, hydrology, landscape and visual impacts, air quality, heritage or anything else.
- All mitigation required is either embedded in the design of the proposals or captured by the undertakings proposed in the S106 Agreement.
- The proposals comply fully in respect of their environmental impacts with the relevant provisions of the development plan, the NPPF and PPG.

iv. **Main issue 4: the economic and social impacts of the proposals**

- The application proposals generate very substantial economic and employment benefits in line with the objects, principles and policies of the NPPF, delivering the right development, in the right place and at the right time to seize the opportunity presented by an existing occupier of the park and major blue chip inward investor to the district whose preference is to remain in Magna Park.
- The application proposals are in line with and contribute to achieving the strategies of all four LEPs operating within the geography of Magna Park’s economic footprint, each of which places a priority upon the logistics sector because of the area’s competitive advantages, prospects for growth and already very significant contribution to local prosperity. HDC is obliged by the NPPF (paragraph 160) to work collaboratively with the LEPS and neighbouring authorities on strategic planning priorities to secure the economic growth the country needs.
- The application proposals also generate very substantial social benefits – both the value to local wellbeing of a prosperous and successful source of jobs and the contribution to healthy lifestyles of the proposals’ increase in accessible, high quality open space amenities, permanently secured with the expiration in 2017 of the High Level Stewardship scheme.

6.131 Also material are the following:

- The consistency of the application proposals with the principles established by Magna Park’s planning history:
- the suitability of the location for its dedicated purpose
- the high quality of Magna Park and its self-evident success in meeting the needs of the top, blue chip, end of the logistics market
- the park’s environmental impacts are capable of mitigation, achieving the park's acknowledged high environmental sustainability standards
- the park is sustainable in the other two dimensions of sustainability – social and economic.

- The fact that no expansion land remains in Magna Park beyond plot 2110. Even the expansion needs of existing occupiers cannot be satisfied, leading to serious inefficiencies for the firms concerned.
- The SDS, an up-to-date evidence base published by HDC and its counterparts in the rest of the county, finds a requirement for an additional 800,000-1,100,000 sq m logistics floorspace in units over 9,000 m by 2026.
- The SDS states a preference for extensions to existing distribution parks over alternatives in a sequential approach to site selection.

6.132 Thus it can be concluded that the application development does exactly what is required of it in planning, as well as commercial, terms. The proposals:

- respond to an evidenced need to supply land required by a growing industry sector for which the area generally, and Magna Park particularly, is self-evidently a suitable location commercially and is also acknowledged by the Core Strategy to be sustainable environmentally;
- pursue jointly and simultaneously the substantial economic, environmental and social gains the development is capable of delivering to provide the sustainable growth the country needs; and
- in pursuing those goals, cause no adverse impacts that significantly and demonstrably outweigh those benefits.
7 DELIVERY: S106, S278 AND THE OTHER CONSENTS

Introduction

7.1 This section of the PS sets out the proposed provisions for the delivery of the application proposals: the proposed Heads of Terms of the S106 Agreement both to mitigate adverse impacts that cannot be resolved in design solutions and to enhance the local benefits the scheme is capable of delivering; the scope of the s278 Agreement for the delivery of the highways works proposed; and the other consents that will be needed, in addition to planning permission before the application proposals can be developed.

7.2 Section 8 which follows draws on the material here, and that in all of the preceding sections, to set out the planning balance: the justification, having regard to the development plan and the relevant material considerations, for the grant of planning permission for the application proposals.

The S106 Agreement Heads of Terms

7.3 The policy tests for the use of S106 obligations are set by NPPF paragraph 203. Like conditions, they are to be used where they can make otherwise unacceptable development acceptable in planning terms. Planning obligations should only be used where it is not possible to address unacceptable impacts through conditions. The expectation here is that all of the mitigation for impacts embedded in the design of the application proposals can be secured by condition – leaving the S106 to cover impacts (including necessary enhancements of benefits) that are not capable resolution through detailed design.

7.4 The broad terms of the proposals for the S106 Agreement were discussed with HDC officers and the principles of the proposals are in accord with their expectations. The legal tests for the use of S106 Agreement are set out in regulations 122 and 123 of the Community Infrastructure Levy [CIL] Regulations 2012 as amended.

7.5 Regulation 122 requires any S106 obligation to be:

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

7.6 Regulation 123 restricts the “pooling” of contributions to specific infrastructure projects or types of infrastructure through a Section 106 Agreement. From April 2015, no more than five obligations entered into since April 2010 can be entered into for a specific infrastructure project or type of infrastructure that is capable of being funded by the Community Infrastructure Levy.

The Heads of Terms – the Principal Provisions

7.7 The following are proposed for delivery via a S106 Agreement to be entered into by IDI Gazeley with HDC and Leicestershire County Council:

- To reduce the cumulative night time artificial lighting effects of the extended Magna Park
IDI Gazeley will at its expense agree with HDC a Lighting Management Plan:
  ▫ to replace the existing street lighting within Magna Park with directional LEDs to bring it into line with the lighting design strategy proposed in the application proposals; and
  ▫ for the improvement of lighting on those properties on the Mere Lane elevation to directional, cut-off, LED lighting (including the installation of new light mounts, fittings and LEDs.)
IDI Gazeley shall comply with the approved Lighting Management Plan by way of the Magna Park Management Company.

- To increase the local value of the jobs and procurement of the development
  IDI Gazeley will, at its own expense, prepare and agree with HDC a Construction Job and Business Strategy (CJBS). The CJBS will:
    ▫ encourage apprenticeships and the employment of Harborough District residents for the construction and operational phases of the development;
    ▫ make construction contractors aware of the Procurement Programme in order to give local businesses access to opportunities arising from the demolition and construction phase of the development;
    ▫ provide HDC’s list of local businesses to operators and the occupier of the development and encourage them to procure local businesses for the fitting out of the premises and the supply and servicing and estate management;
    ▫ specify the targets for both initiatives and the measures to be taken to achieve the targets;
    ▫ monitor the performance of the CJBS; and
    ▫ revise the strategy from time to time as needed to achieve its objectives.

- To extend the management of Magna Park to the extension development and secure permanent amenities for local communities
  IDI Gazeley will, at its expense:
    ▫ extend the management of Magna Park to include the application development; and
    ▫ identify and agree with HDC an Informal Space Management Plan for the delivery and ongoing management of the public amenity space and permissive footpaths and bridleways within the application site and outwith the DHL Supply Chain demise to secure their permanent benefit for local communities.

- To mitigate the traffic and transport effects
  IDI Gazeley will, at its expense:
    ▫ extend the existing HGV Routing Plan to the construction and operation phase of the application development and enforce and monitor its application;
introduce and promote, including with the park’s existing operators, an Employee Routing Plan; and

agree and implement a Travel Plan (in line with the separately submitted Travel Plan), including the appointment of a Travel Plan Coordinator with the responsibility for implementing the Travel Plan.

IDI Gazeley will, at its expense deliver:

- widening of A5 between Emmanuel and Lodge Cottages and Mere Lane;
- new roundabout at the A5/ Mere Lane junction;
- new roundabout on Mere Lane to connect existing Magna Park to the application site;
- realignment of Mere Lane between new roundabout on Mere Lane and the A5;
- improvements at the A4303/ A426 roundabout;
- new bus stops on Argosy Way with seating, shelters and timetable information;
- new footways to connect the bus stops to the proposed development; and
- introduce and promote an Employee Routing Plan.

The Further Agreements and Consents

7.8 The further consents required for the delivery of the application proposals include:

- A S278 Agreement will be required with the highway authorities to deliver the works proposed and required to the public highway.
- A highway stopping up and diversion order from the Secretary of State, under the provisions of S247 of the Town and Country Planning Act 1990, and with the support of Leicestershire County Council (highway authority) and HDC, to allow for the realignment of the section of Mere Lane affected by the new roundabout junction with the A5.
- An Ordinary Watercourse Consent from the Lead Local Flood Authority (Leicestershire County Council) to permit the changes needed to the affected watercourse within the application site.
- European Protected Species Licence(s) (EPSL) from Natural England in the expectation that a licence for bats will be required and possibly also for the translocation of Great Crested Newts.

7.9 The preparation for the grant of the S247 order will be done during the determination period of the application proposals – but the order can only be made once planning permission is granted. The SoS will consult on the draft order, and if objections are made and cannot be resolved a public inquiry may be held.

7.10 The Ordinary Watercourse Consent and EPSL cannot be sought until planning permission is granted.
8 CONCLUSIONS AND THE PLANNING BALANCE

Introduction

8.1 This final section of the PS draws together the principal conclusions from the assessment of the application proposals and sets out the balance of the planning considerations that, in the judgment of IDI Gazeley, should be struck in the determination of the DHL Supply Chain planning application.

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan here – HDC's 2006-2028 Core Strategy and the relevant saved policies of the 2001 Local Plan – pre-dates the NPPF, a material consideration of substantial weight in the planning balance.

8.3 The NPPF makes two provisions (set out in full in PS paragraph 5.4) as to the weight to be given to development plan policies adopted before the NPPF. The NPPF states:

- due weight is to be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the greater the degree of consistency, the greater the weight that may be given) (NPPF paragraph 215); and
- where the development plan is absent, silent or relevant policies are out-of-date, “the presumption in favour of sustainable development” is engaged – meaning that planning permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably the benefits, when assessed against the NPPF’s policies taken as a whole”. (NPPF paragraph 14 bullet 2)

8.4 Thus the first consideration in the planning balance is the performance of the application proposals against the provisions of the development plan and then, in turn, establishing the weight to be accorded to that performance relative to the weight to be accorded to the relevant material considerations.

8.5 As PS Section 6 paragraphs 6.4-6.26 set out in full, the principle of the application proposals conflicts with the development plan. Core Strategy policies CS7h and CS7f preclude the extension of Magna Park beyond its existing footprint and policy CS17 precludes warehouse development in the countryside.

8.6 In all other respects, as the PS sets out in full in paragraphs 6.31, 6.50 and Table 6.3, the application proposals accord with the development plan, contribute to its objects and satisfy the criteria set by the relevant policies.

Main Issue 1: the Conflict of the Principle of the Application Proposals with the Development Plan

8.7 The weight that can be accorded to the conflict with policies C7h, C7f and CS17 on the principle of the application proposals is very significantly diminished by:

- the fundamental inconsistency of all three policies with the objectives, principles and relevant policies of the NPPF (PS Section 6 paragraphs 6.9 and 6.20-6.24); and
ii. the reliance of C7h – the rationale for C7f – on an out-of-date evidence base on the one hand and, on the other, to conclude that Harborough has no strategic employment role and therefore need not meet the evidenced need for warehouse space or consider the expansion of Magna Park as a reasonable alternative for doing so (PS Section 6 paragraphs 6.10-6.16).

8.8 Thus, although the development plan is not silent on Magna Park, the basis for precluding its expansion is founded an out-of-date evidence base and interpretation of it, making CS7h itself out-of-date.

8.9 The conclusion here is that the extent of the inconsistency of CS7f, CS7h and CS17 with the NPPF on the fundamental principle of the application development is so great, and the contrast so stark with the up-to-date evidence on the need for strategic warehousing space and Harborough’s strategic role in meeting it, as to engage the NPPF’s “presumption”.

8.10 Thus on Main Issue 1: the Conflict with the Development Plan, the far greater consideration is the performance of the application proposals – both on the policies of the development plan that guide development in the district and on the relevant provisions of the NPPF.

8.11 Once the conflict on the principle of the application proposals is set aside as it should be, the policies and provisions of both lie at the heart of the justification for the grant of planning permission for the application proposals.

**Main Issues 2 and 3: the Environmental Sustainability Credentials of the Application Proposals**

**Main Issue 2: the Extension of Magna Park into the Countryside**

8.12 On Main Issue 2: the Extension of Magna Park into the Countryside, the application proposals:

- fully satisfy the criteria set by development plan policy C17c, notwithstanding that their purpose is to guide “appropriate” (agricultural and related, recreation) development in the countryside so as to protect and conserve its inherent value (PS Section 6 paragraphs 6.42-6.45);

- contribute fully to development plan policy CS8 and observe the prohibitions of saved policies EV2 and EV3;

- make a substantial contribution to climate change adaptation – a key consideration in building on countryside land – in the ways sought by development plan policy CS9, including delivering innovations (CS9f) that raise the industry’s bar for environmental sustainability in distribution warehouse development, and do so above even the already high bar set by Magna Park now (CS policy CS7h; PS Section 6 paragraphs 6.49-6.52 and 6.59 and Section 2, paragraphs 2.16-2.18 and 2.31-2.38; and the separately submitted Addressing Climate Change Statement); and

- respond fully to the relevant policies of the NPPF and corresponding PPG for the conservation and enhancement of the natural environment (PS Section 6 paragraph 6.47).
Thus, on Main Issue 2, the conclusion is that notwithstanding the intrusion into the countryside, the application proposals comply fully, and in aspects exceed, the expectations for the conservation and protection of the countryside set by the development plan, the NPPF, PPG and the relevant HDC SPGs.

Accordingly, substantial weight can justifiably be accorded to the performance of the application proposals on Main Issue 2.

Main Issue 3: the Other Environmental Impacts

The application proposals result in no significant residual adverse environmental impacts in respect to traffic and transport, noise and vibration, hydrology, landscape and visual, air quality, heritage and ecology and ecology and nature conservation (PS Section 6 Table 6.1). All of the mitigation required to achieve this position is either embedded within the design proposals for which planning permission is sought or will be secured by the terms of the S106 Agreement and, for works in the public highway, also the S278 Agreement (PS Section Tables 6.1 and 6.2).

Primarily through the embedded design mitigation, but also through the provisions of the S106 and S278 Agreements (Section 7), the application proposals deliver a range of consequential benefits – for the local highway network, pedestrian, public access and open space amenity, water management, the landscape, habitat and ecology (PS Section 6 Table 6.2).

Overall, the proposals comply fully with the relevant provisions of the development plan, NPPF, PPG and the other material considerations (PS Section 6 Tables 6.3 and 6.4).

Thus, on Main Issue 3, the application proposals comply fully with the relevant provisions of the development plan, the NPPG, PPG and the other material policy and guidance considerations.

As with the performance of the application proposals on Main Issue 3, substantial weight is justifiably accorded to the environmental sustainability of the application proposals.

Main Issue 4: the Economic and Social Considerations

On Main Issue 4, the application proposals will, in line with the general objects of the development plan, the objects, principles and policies of the NPPF, the Strategic Economic Plans of the four LEPs that operate in and across Harborough’s economy and HDC’s Open for Business Action Plan (PS Section 6 paragraphs 6.126-6.128):

- deliver the economic growth the country needs in line with the provisions of the NPPF, in a sector that is a priority for all four LEPs within the area covered by Magna Park’s economic footprint (PS Section 6 paragraph 6.126);
- create a significant number of full time equivalent jobs in Harborough (1,230, a 3.4% increase over the district’s total number), and add very substantial to the district’s contribution to national GVA and to the value of local business rates, with HDC able to retain up to some 50% of the gain (PS Section 6, paragraphs 6.121-6.125);
- meet the expansion needs of an existing occupier, DHL Supply Chain, whose preference is to expand at Magna Park because of the quality of the park and its...
management, the operating efficiencies they confer for the business and continued access to a labour force it knows and values (PS Section 6, paragraph 6.127); and

- deliver substantial social benefits through the opportunities locally to increase the share of the district’s residents who work in the park and the share of the park’s supply purchases that goes to local businesses, the increase in amenity open space permanently secured for local communities, and the increased opportunities presented by the application proposals for embedding IDI Gazeley and the park’s occupiers in the life of the local area and the benefits that follow from a global operation with a strong commitment to be a good neighbour locally (PS Section 6 paragraphs 6.128).

8.21 On Main Issue 4, the social and economic considerations, the application proposals deliver all that policy and good practice require of them – and more. The weight to be accorded to the performance of the application proposals on Main Issue 4 is accordingly substantial.

The Planning Balance

8.22 The conflict with the development plan on the principle of the application proposals, though important in the planning balance, is very clearly outweighed, both by the compliance of the substance of the application proposals with the policies of the development plan which seek to guide the delivery of sustainable development in Harborough and by the compliance of the application proposals with the objects, principles and relevant policies of the NPPF and the related guidance.

8.23 Also material, and together to be accorded significant weight, are:

- the self-evident commercial success and environmental credentials of Magna Park;
- the consistency of the application proposals with the planning principles that define the reasons for the park’s success – established by the park’s long planning history and the authority of a SoS decision to grant planning permission for the extension of the park in 1992;
- the needs of an existing blue chip occupier in Magna Park, a major inward investor and local employer whose preference is to expand at Magna Park – a testimony to the operating and environmental credentials of Magna Park itself and to IDI Gazeley who developed the park and are responsible for its management;
- the up-to-date evidence in the SDS on the needs of the logistics sector in the county – and the guidance in the SDS that the sequential preference for meeting those needs is the extension of existing distribution sites in preference to wholly new alternatives – an extension to Magna Park that only IDI Gazeley is in a position to deliver;
- the fact that the extension site – both the DHL demise and the public amenity space outwith the demise – will be brought into the IDI Gazeley management regime, extending the same high quality management to the extension site and securing permanently for local communities the amenities the application proposals deliver.
the accordance of the application proposals with the guidance received by the project team during the pre-application process as minuted in PS Appendices 4 and 5; and

the responsiveness, in the detail of the application proposals – in the options chosen, the design of the scheme, the content of the proposals and the approaches to environmental mitigation – to what was learned from the public at the two consultation exhibitions and the many engagement meetings over the period of the proposals’ preparation.

8.24 Therefore, it can be concluded:

i. although the application proposals are contrary to development plan policies CS7f, CS7h and CS17, those policies are wholly inconsistent with the NPPF which very substantially reduces their weight in the planning balance;

ii. development plan policy CS7 is out-of-date in the terms of NPPF paragraph 14;

iii. the application proposals deliver and pursue jointly and simultaneously the substantial economic, environmental and social gains the development is capable of delivering to provide the sustainable growth the country needs;

iv. the delivery of the application proposals would result in no adverse impacts that would significantly and demonstrably outweigh those benefits; and

v. therefore, the application proposals constitute sustainable development in the terms of the policies of NPPF taken as a whole.

8.25 The planning balance, therefore, is heavily weighted in favour of the grant of planning permission for the application proposals and without delay.
APPENDIX 1

DHL Supply Chain: Application Drawings
APPENDIX 2A

DHL Supply Chain: Red Line Plan
APPENDIX 2B

DHL Supply Chain: Site Layout Plan
APPENDIX 2C

DHL Supply Chain: Site Logistics Plan
APPENDIX 3

DHL Supply Chain: Landscape Plan
APPENDIX 4

DHL Supply Chain: Minutes of the Pre-application Meetings led by Harborough District Council
APPENDIX 5

DHL Supply Chain: Minutes of the Pre-application Meetings led by the Highway Authorities