



## Harborough Local Plan 2011-2031 Examination

### Council Responses to the

### Matters and Issues

### - Statement 5 -

7<sup>th</sup> September 2018



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## MATTER 5.1

### 5.1 Does the plan provide for an appropriate amount of land and floor-space for business purposes, and is the plan effective in its approach to new employment development?

#### Amount of land & floor-space

5.1.1. The Local Plan, including its provision for business and employment, is informed by the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (HSG8). The HEDNA provides a consistent, objective assessment of economic development needs for the Functional Economic Area (FEMA) and individual authorities and follows the approach prescribed by Government in Planning Practice Guidance (PPG). The HEDNA methodology and resulting requirement for the period 2011-2031 are discussed in para 5.28-5.34 of the Business and Employment Topic Paper (TCP3) and the latter is set out in Table 5.1 below:

**Table 5.1.1 - HEDNA Gross Forecast Employment Land Need**

	Gross Forecast Employment Land Need 2011 – 2031 (ha.)				
	<b>B1a/b</b>	<b>B1c / B2</b>	<b>Small B8</b> (units<9,000sq.m.)	<b>Strategic B8</b> (units>9,000sq.m.)	<b>Total</b>
FEMA	142-198	132	93	361	728 - 784
Harborough	14-21	22	8	Not disaggregated	44 - 51

5.1.2. In the case of strategic B8 the gross forecast land requirement of 361ha is split between land at rail-served sites (209ha) and land at non rail-served sites (152ha). In accordance with the Leicester and Leicestershire Strategic Distribution Sector Study (LLSDSS) (EMP6), Harborough district is primarily encompassed within Key Area of Opportunity D, identified for road-only connected strategic distribution sites.

5.1.3. HEDNA advises that the requirement figures be regarded as minima, as the quantitative analysis (except for strategic B8) does not take account of potential demand arising from the loss, planned or otherwise, of poorer quality existing employment floor-space. TCP3 paragraphs 5.40-5.41 set out the evidential basis for the calculation of an allowance for the replacement of potential losses during the remainder of the plan period. This amounts to 6.6ha, excluding strategic B8 use.

5.1.4. Progress has been made since 2011/12 and up until 31 March 2017 to deliver land (and associated floor-space / jobs) in Harborough district to meet the requirement for all types of B class use. The amount of land already completed or committed (i.e. sites built since 2011/12, granted planning permission or allocated in Neighbourhood Plans) for office, industrial, and storage / distribution uses is outlined in 5.35-5.37 of TCP3 and summarised in Table 5.2 below.

**Table 5.1.2 - Harborough Employment Delivery - Summary of Progress 1/4/11 – 31/3/17**

	<b>Office</b>	<b>Industrial</b>	<b>Small B8</b>	<b>Strategic B8</b>	<b>Total</b>
	B1a & B1b (has.)	B1c & B2 (has.)	(<9,000sqm) (has.)	(>9,000sqm) (has.)	(has.)
<b>Net Completions</b> (Gains minus Loses)	3.18	5.27	-2.85	4.11	9.71
<b>Net Commitments*</b> (Gains minus Loses)	5.3	4.9	1.4	55.9	67.5

\*several sites are excluded to avoid double-counting, as they have planning consent but are also proposed for allocation in the LP.

5.1.5. With regard to strategic B8 there has also been progress elsewhere within the HMA/FEMA to deliver land. As reported in the LLSOSS Update (EMP7) at June 2016 the supply of non rail-served sites was stated as 104ha (or 377,298sq.m.), resulting in a shortfall (or residual) of 48ha (or 192,000sq.m.) compared to the minimum requirement. The subsequent permission for development in Harborough district granted in October 2016 i.e. 15/00919/FUL at 55.9ha (or 100,844sq.m.) further reduces the shortfall in terms of floor-space to circa 91,000sq.m.

5.1.6. As set out in the table at para 5.42 of TCP3, based on the HEDNA requirement by use and taking into account completions, commitments and the allowance for potential losses, the residual requirement for the Local Plan to meet in the form of allocations is calculated at 40.4ha.

5.1.7. In order to meet the requirement for employment, excluding strategic B8, a total supply of 59ha of land is allocated in Policy BE1. Appendix B to TCP3 provides a summary of supply (by use) for each allocation, set against the residual requirement.

5.1.8. The context for the scale of allocation in Policy BE1, in excess of the minimum HEDNA requirement, is local and specific to Harborough district. Further detail on the appropriateness of the amount of land allocated is provided in paras 5.43-5.51 of TCP3 and includes the status (e.g. permission, retained allocation), nature (e.g. remainder of partially developed site, new site, likely B class use/s) and location (e.g. accords with spatial strategy) of both existing and potential new employment sites. Central to the extent of provision above the minimum is the need to:

- support the overall viability of the East of Lutterworth SDA (relates to 13 has. south-east of M1 j20);
- provide greater choice to the market; and
- improve supply early in the plan period to offset reliance on the amount of supply associated with SDAs.

### Approach to new employment land

- 5.1.9. The approach to employment land provision across the District is based on the spatial strategy and settlement hierarchy (Policy SS1), as discussed in the Spatial Strategy Topic paper (TCP1), and the preferred option which involves SDAs on land East of Lutterworth and at Scraftoft North.
- 5.1.10. New land / jobs are directed to strengthening the established role of the District's main economic centres, Market Harborough and Lutterworth. New allocations are aligned with housing growth in settlements that are sustainable, and at locations which are accessible and are also proven to be attractive to the commercial market. A criteria-based approach is taken to supporting economic growth in rural areas.
- 5.1.11. The process of selecting sites for allocation, and the evidence used, is set out in paras 5.53-5.61 of TCP3. The largest three new employment allocations are associated with SDAs at Lutterworth and in Market Harborough. A further two (MH5, MH6) comprise the un-developed areas of partially developed and successful existing employment areas. Two more adjoin or extend popular industrial / commercial estates in the larger Rural Centres of Fleckney and Kibworth. The final allocation provides short term supply and choice in the Lutterworth market area, particularly for B1 office. New land complements sites allocated for employment in made Neighbourhood Plans in the Key Centre of Broughton Astley and the Rural Centre of Billesdon.
- 5.1.12. All allocated sites were assessed in the Strategic Employment Land Availability Assessment (SELAA, EMP1) and are considered developable within the plan period. The majority have a relevant planning history or extant permission for B class use/s, except for those associated with the SDAs which are more complex but are supported by land-owners. Recent completions on parts of MH5 and MH6 indicate their continuing market appeal.
- 5.1.13. Historically employment consents have allowed for a range of B class uses to provide flexibility and enable sites to respond to market demand as they are developed out. The use class mix for each employment allocation in the plan is informed either by past completions, extant permissions taking account of past completions or the SELAA (EMP1). Assumptions made about the density of development and the most likely combination of B class uses for each allocation are based on the HEDNA and SELAA respectively and are considered reasonable, and effective in encouraging delivery.
- 5.1.14. The amount of land and floor-space provided for business purposes and the approach taken to new land are considered appropriate and effective in meeting the minimum requirement for each B class to 2031 identified by the HEDNA. In combination the policies and allocations of the Plan are positive and encourage sustainable economic growth.

## MATTER 5.2

*5.2 Is there satisfactory evidence-based justification for the allowance of 700,000 square metres of strategic storage and distribution? Is there sufficient headroom in demand to enable this amount of development without compromising the employment strategies of other local authorities?*

### Justification for the allowance of up to 700,000sq.m.

- 5.2.1. The minimum requirement for strategic storage and distribution to 2031, specifically non rail-served provision, is set out in the response to Matter 5.1 above, together with an account of progress on delivery. As stated in the Leicester and Leicestershire Strategic Distribution Sector Study (LSDSS) (EMP6) the requirement is an HMA level figure, which is not disaggregated to local authority areas and is not specific to Harborough District. No maximum figure or scale of need beyond the minimum figure is quantified by the available evidence (EMP6 / EMP7).
- 5.2.2. Completions, and more particularly the supply, of non rail-served sites across the HMA, in a range of geographical locations, is high.
- 5.2.3. Taking account of the most recent permission in Harborough District (15/00865/OUT) (see response to Matter 5.3), the minimum requirement for gross new land to 2031 has already been exceeded. However, in spite of the supply situation, the area (i.e. East Midlands, the wider Golden Triangle and by association Leicestershire, including Harborough District) is expected to continue to have a distinct competitive advantage in this sector and market demand for land remains high, based on the number of planning applications for development.
- 5.2.4. During the course of plan preparation a number of options for growth have been considered and assessed, as outlined in the Business and Employment Topic Paper TCP3 (paras 5.19-5.21) and in Chapter 18 of the Sustainability Appraisal Report (S6). Throughout, consultation has yielded a range of opposing views advocating either no further growth, lower growth and at earlier stages higher growth (than proposed at that time), generally of unspecified amounts.
- 5.2.5. In this context, as outlined in TCP3 (para 5.70-5.79), GL Hearn carried out the Magna Park Employment Growth Sensitivity Study (MPEGSS) (HSG12) to test the impact on housing need of different 'policy-on' scenarios for additional strategic B8 growth above that forecast by the HEDNA. With no maximum land requirement provided by the LSDSS, it was considered that the only reasonable basis on which to formulate scenarios to test was known information i.e. actual planning applications as a proxy for market demand (market reality). In broad terms Scenario A (100,000sq.m.) aligned with

delivery of the consented scheme (Application ref. 15/00919/FUL). Scenarios B (400,000sq.m.) and C (700,000sq.m.) would see delivery of additional B8 warehousing development over and beyond this (i.e. scenario A plus either / both of Application ref's. 15/00865/OUT and 15/01531/OUT). Under the circumstances and with the time / resources available it was not considered reasonable or proportionate to test an even higher growth scenario.

5.2.6. The allowance of up to 700,000sq.m. is considered justified on the findings / conclusions of evidence submitted in support of the Local Plan, specifically on the basis that:

- The forecast gross land requirement for strategic B8 to 2031 is a minimum figure, not a target or maximum not to be exceeded. LLSOSS Update (EMP7b).
- The sector is growing, and the area which includes Harborough district, has a proven competitive advantage. LLSOSS (EMP6a).
- Harborough District has sufficient land capacity on sites that are assessed as developable. SELAA (EMP1).
- The OAN of 4,829 dpa across Leicester and Leicestershire is sufficient to accommodate the additional workforce arising from growth under scenario C2. HEDNA (HSG8)
- The 25 dpa uplift to Harborough's OAN resulting from the small redistribution of housing growth across the HMA, is accommodated within the 20% flexibility contingency above OAN of policy H1. MPEGSS (HSG12)
- Sufficient latent workforce and labour supply exists within the HMA and in selected authorities in Coventry & Warwickshire HMA to accommodate total job creation. MPEGSS (HSG12)
- The likely significant effects of policy BE2(2), individually and in combination, on sustainability objectives have been appraised and guidance on mitigation measures and enhancement considered. Predicted positive effects are judged to out-weigh predicted negative effects at the whole plan level. SA (S6).
- Transport implications of growth have been assessed and statutory bodies are satisfied with the evidence and potential mitigation as detailed in paras 5.44-5.52 of the Transport Topic Paper (TCP4).

5.2.7. The cap (at 700,000sq.m.) is set at the limit beyond which the sustainable balance between employment and housing would be adversely affected. Prior to permission being granted for 15/00919/FUL and 15/00865/OUT, on the balance of evidence, a position of no growth was considered unsound. The omission of an allowance figure could lead to uncontrolled growth which, similarly to identifying a higher figure, would conflict with the requirement for the Local Plan to be internally consistent by balancing housing and employment development as required by the Framework (NPPF para.37) and is also considered unsound.

5.2.8. Additional growth at a level lower than the cap figure is possible, if proposals fail to comply with the criteria set out in policy BE2(2). However, specifying a lower figure in the context of no maximum requirement is considered arbitrary

and less sound given that local plan evidence demonstrates that a higher figure could be allowed without adverse impacts outweighing the benefits and in the circumstance of market demand for developable, albeit potentially competing and speculative, schemes.

5.2.9. The approach taken in policy BE2(2) is considered to reflect the NPPF requirement to plan positively. BE2(2) strikes an appropriate balance between not over-providing to meet an un-quantified demand and encouraging sustainable economic development.

#### Headroom in demand

5.2.10. No maximum figure or scale of need beyond the minimum requirement is quantified by the available evidence (EMP6 & EMP7). However, the LLSDSS Update (EMP7) does confirm the robustness of the forecast to 2031 and 2036, the latter requirement being some 46ha higher for non rail-served land at 198ha. The competitive advantage of the area, namely the East Midlands, the wider Golden Triangle and by association Leicestershire (including Harborough District), is also expected to endure in the longer term.

5.2.11 The LLSDSS forecast of total gross new-build floor-space and associated land requirements is based on the following assumptions:

- the East Midlands and Leicester & Leicestershire maintaining their share of total large warehousing floor-space going forward;
- floor-space being provided at a density of 4,000sq.m. per ha.;
- a 'high' replacement build scenario (in which the economic life of a modern warehouse building is around 30 years, and a high proportion of existing stock is expected to be replaced in the years to 2031);
- existing distribution centre occupiers in Leicestershire and the wider East Midlands commissioning replacement buildings broadly in the same location as their life-expired building;
- 58% of the forecast gross new-build requirement is likely to demand a plot at a rail-served site.

5.2.12 Taking account of these assumptions, alongside the studies assertion that the reuse /recycling of existing sites has the potential to significantly reduce the amount of new land that needs to be allocated, it remains possible that there is headroom in demand. Although, given the inter-regional and footloose nature of the sector, it was not considered proportionate to commission evidence to either quantify demand, identify a maximum requirement, or test the sensitivity of the LLSDSS forecast methodology and assumptions.

5.2.13 Representations in respect of policy BE2(2) at the proposed submission stage have not presented any independent data relevant to this issue. However, a number of representations cite the availability of alternative locations / sites (whether on the market, or in the planning stages) within the wider area capable of accommodating additional strategic B8 growth.



The employment strategies of other local authorities

5.2.14 The MPEGSS (HSG12) considers the scale of jobs growth which could be expected to be supported under levels of growth up to the cap level stated in Policy BE2(2). It considers direct jobs, the multiplier effects associated with the investment, and displacement arising from the potential delivery of new strategic B8 development, taking account of the LLSDSS evidence. Updated scenarios for economic growth for the authorities within the Leicester & Leicestershire HMA/ FEMA are provided on this basis.

5.2.15 As the LLSDSS (EMP6b) suggests, a high proportion of the floor-space need identified to 2031 results from 'replacement demand' and could be expected to be occupied by existing companies moving within the HMA from older warehouses to newer stock, as older stock becomes outdated. The MPEGSS (HSG12) considered it reasonable to assume that this aspect of demand would not result in the creation of additional jobs in net terms. The MPEGSS also took account of the age of warehouse stock in Harborough District, and factored this into its assumptions about job displacement at the HMA and local Harborough level. The economic impact of scenario C (700,000sq.m.) is calculated as follows (Table 5.2.1):

**Table 5.2.1: Additional Jobs relative to HEDNA Planned Growth Scenario**

2015-31	Direct Jobs Supported	Additional Net Jobs in Harborough	Additional Net Jobs across Leicester & Leics
Scenario C	9,200	9,700	4,300

Source: MPEGSS (2017), Table 20.

5.2.16 Essentially Harborough would capture a greater share of growth in distribution jobs within the HMA/FEMA under Scenario C, with some other authorities seeing slightly lower growth, but all except Blaby remaining above that in the HEDNA baseline. As identified within the HEDNA, decisions on future locations for strategic B8 floor-space affect the distribution of employment growth within Leicester and Leicestershire.

5.2.17 The MPEGSS goes on to consider where the workforce to support extra jobs, as a consequence of an additional 700,000sq.m. of growth, will be drawn from, based on Census 2011 commuting patterns. For selected local authorities in the Coventry & Warwickshire HMA it estimates what level of additional workers might be drawn to work in Harborough. The results for Scenario C2 (i.e. 700,000sq.m. / the proportion of people living in Harborough increases to 25%) on which the Local Plan is based are set out in Table 5.2.2 overleaf:

**Table 5.2.2 - Magna Park Growth: Where the workforce will travel from**

LA District	Scenario C2 (25%)
Harborough	2287
Leicester	1467
H&B	1038
Blaby	831
O&W	238
Charnwood	195
NW Leicestershire	102
Melton	25
Nuneaton & Bedworth	757
Coventry	619
Rugby	713
North Warwickshire	131
Daventry	155
Elsewhere	589
Outside Harborough	6860
Total	9146

Source: MPEGSS (2017), Table 11.

5.2.18 Of the 9,200 direct jobs created as a result of a potential 700,000 sq.m. of additional floor-space, it is estimated that some 3,900 workers might be drawn to work in Harborough from elsewhere in the HMA. The MPEGSS (HSG12) shows that the HEDNA OAN of 4,829 dpa across Leicester and Leicestershire is sufficient to accommodate the additional workforce arising from growth under scenario C2. A further 2,200 workers might be drawn to work in Harborough from selected authorities within the Coventry & Warwickshire HMA. The MPEGSS analysis suggests that available labour supply could limit the level of work-force drawn from Coventry. However, this is outweighed by a potential surplus labour supply in other northern Warwickshire authorities (i.e. North Warwickshire, Nuneaton & Bedworth and Rugby).

5.2.19 During the course of Duty to Cooperate discussions, as detailed in the Duty to Cooperate Statement (S2) comments were made by neighbouring authorities, particularly Daventry District Council, about the potential effect of growth on the delivery of strategic distribution sites in their areas. However, in the representations made on the Regulation 19 consultation only Hinckley & Bosworth Borough Council remain unsupportive of policy BE2(2) on the grounds that:

- levels of out-commuting from the borough could increase;
- employment growth in the HMA (particularly H&B) could be limited; and
- it would increase the saturation of B8 in one area.

5.2.20 Representations in respect of policy BE2(2) at the proposed submission stage did not present any alternative account of demand or job creation, any justification for an alternative allowance figure or evidence substantiating the economic effect, adverse or otherwise, of potential growth on their respective areas.

## MATTER 5.3

### 5.3 What is the latest position regarding the planning applications for strategic distribution?

5.3.1. Table 5.3.1 below sets out the latest position on applications within Harborough District.

**Table 5.3.1 Planning Applications for Strategic Distribution in Harborough since 2016**

Application Ref.	Applicant	Summary	Latest Position
15/00919/FUL	IDI Gazeley (DHL)	Erection of 100,844sqm storage & distribution building (B8) and associated infrastructure	Permission granted 25/10/16.
15/00865/OUT	db symmetry	Erection of up to 278,709sq.m. of storage and distribution (B8)	Resolution to approve 23/11/17. Permission granted 5/7/18.
15/01531/OUT (Hybrid)	IDI Gazeley	(Outline) Erection of up to 419,800sq.m.* of storage and distribution, an educational facility, small business space, and creation of Country Park. (Detailed) HGV parking facility, HGV Driver Training Centre and a rail freight shuttle terminal.	Application refused 17/01/18. Appeal lodged 03/07/18 (Ref: 18/00017/REFUSE) - in progress. Statements of case (LPA) due 5/9/18, Submission of proofs of evidence due 26/2/19. Inquiry 26/3/19 (to be confirmed).

\*318,956sq.m. excluding previously approved 15/00919/FUL

## MATTER 5.4

### *5.4 Is Policy BE2 an adequate means of controlling and mitigating the impact of this amount of strategic storage and distribution?*

5.4.1. Based on the evidence in the LLSOSS (EMP6) the LLDSS Update (EMP7) and the MPEGSS (HSG12), Policy BE2 would allow additional development of up to 700,000 sq.m. and sets out the main criteria against which a decision in principle about the acceptability of a development proposal would be considered. It does not allocate land for strategic distribution. It therefore does not seek to set out, in the same way as do other policies for strategic allocations in Part C Places and Sites, a full set of all the considerations which would have to be met in approving a planning application. These would only be possible in the context of a specific site allocation, since most are dependent on the circumstances of a specific location. The response to Matter 5, Question 5.5 addresses the issue of why no allocation has been made.

5.4.2. The Local Plan should be read as a whole and the other policies of the plan relating to the control and mitigation of impacts will need to be taken into account in the consideration of a planning application. These include:

- GD5 Landscape Character
- GD6 Areas of Separation
- GD8 Good Design in Development
- HC1 Built Heritage
- GI5 Biodiversity and Geodiversity
- CC1 Mitigating Climate Change
- CC3 Managing Flood Risk
- CC4 Sustainable Drainage Systems
- IN1 Infrastructure Provision
- IN2 Sustainable Transport
- IN3 Electronic Connectivity, and
- IN4 Water resources and Services.

5.4.3. The justification for the ceiling of 700,000 sq. m. on further strategic distribution uses is set out in response to Matter 5.2. and is described in detail in the Business and Employment Topic Paper (TCP3 paragraphs 5.70 – 5.83). The justifications for the criteria that need to be met for a decision in principle to approve a proposal for strategic distribution development within the ceiling of 700,000 sq.m. are as follows:

- a) The need to form an extension of, or be on a site adjoining , Magna Park stems from the criteria set out in the LLSOSS (EMP6) and confirmed in its update, EMP7, which state that new land should be identified and allocated in a sequential order, the first choice of which is the extension of existing strategic distribution sites (see paragraph 3.15 of EMP6a and

paragraph 34 of EMP6d); the inclusion of 'a site adjoining' gives greater flexibility given the definition of 'extension' given in EMP7a, section 2 on pages 4-6.

- b) The requirement to support or at least have no adverse impact on Strategic Rail Freight Interchanges is consistent with Government policy which supports further development of rail-served strategic logistics facilities alongside continued investment in the capacity and capability of the railway network (see EMP 6b section 7 on pages 83- 93, EMP7 section 4.3 on pages 55-60). It was also a concern expressed by neighbouring authorities through the Duty to Cooperate.
- c) Increasing employment opportunities for local residents, including training and apprenticeships, is consistent with local, sub-regional and national economic development policies, such as the strategic priority for skills and learning in HDC's economic development strategy (Harnessing Harborough District -EMP15) and the LLEP's Strategic Economic Plan's emphasis on Investing in Our People (EMP8), as well as reducing the need to travel to work.
- d) Measures to enable an increase in the proportion of the workforce commuting from within the District are in support of the sustainable transport policies such NPPF paragraphs 34 and 37, as well as Local Plan Objectives 2 and 10.
- e) Avoiding severe traffic congestion reflects a major local concern, as well as concerns expressed by neighbouring local authorities through the Duty to Cooperate.
- f) Not having an unacceptable environmental, community or landscape impact (including from 24 hour working – see proposed modification 5 in the submitted schedule) sums up many of the other concerns expressed by residents. While it might be argued that these matters are covered by other Policies listed above, it was felt that these issues were important enough to merit special mention.

5.4.4. Representation no. 7333 from one of the promoters of development suggests a list of more detailed criteria to replace f) as follows:

- f) measures to encourage car-sharing, cycling and sustainable alternatives to private car use;
- g) measures for regular community liaison;
- h) measures for publicly accessible green infrastructure;
- i) optimise the bio-diversity of the site and its capacity to sequester greenhouse gases;
- j) make use of optimal technologies for the construction of buildings and their operation to reduce resource consumption and optimise the use of renewable energy sources;
- k) achieve the highest practicable environmental standards for buildings;

- l) adopt a design approach to the buildings, materials and lighting to minimise the visibility of the buildings during the day and at night time;
- m) site buildings and service infrastructure to respect the character of the landscape;
- n) site gatehouses, yards and HGV circulation routes so that visual intrusion and noise beyond the site is minimised; and
- o) mitigate landscape and visual impacts using, in particular, tree planting and other species that will optimise carbon sequestration.

5.4.5. These suggested criteria should be seen in the context of the promoters' planning application which was refused permission and is subject to appeal (see the response to Matter 5, Question 5.3). They would, however, need to be detached from a specific proposal so that, for instance h) would not always be appropriate, and they may combine to over-burden investment, affecting viability and deliverability and be inconsistent with NPPF para 21, making the Plan less sound.

5.4.6. They also need to be considered against the PPG tests, namely that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. For instance this may exclude g) and k) on the grounds that they are unnecessary in planning terms being related respectively to process and matters covered under other legislation (Building Regulations).

5.4.7. The Council's view is that such detailed criteria are not appropriate in the absence of a specific site allocation and that setting them out in this way may well preclude (for either policy or viability reasons) the inclusion of matters which only emerge in the detailed consideration of a proposal. Existing criterion f) would enable more flexibility in the negotiation of particular contributions and/or conditions.

5.4.8. In any event many of the above measures are already covered by other criteria (for instance f) would be part of BE2(2)(d)) and policies (e.g. both m) and o) would be dealt with under Policy GD5).

5.4.9. While more detailed criteria could have been included (albeit not as detailed as above or as in Part C policies) it was felt that these would unnecessarily duplicate other policies in the Local Plan and divert attention away from the key issues to be addressed as a matter of principle in considering an application. The level of detail proposed is considered to be appropriate for a criteria-based policy which does not relate to a specific site or quantum of development.

5.4.10. If, however, it was decided to include a site allocation or allocations in the Local Plan, then further consideration could be given to whether some of the above criteria would be appropriate for inclusion in a Part C allocation policy.

## MATTER 5.5

*5.5 As significant growth in strategic distribution is a major feature of the plan, with consequent housing, employment, transport and countryside effects, under the planned system should not the relevant land be identified as an allocation?*

- 5.5.1. As stated in response to Matter 5, Question 5.3 and in paragraph 5.85 of TPC3 there are now two commitments for strategic distribution development. These should be shown on the Policies Map as commitments.
- 5.5.2. There may also be an argument for showing them as allocations, on the same basis that some general employment commitments have been shown as allocations, namely to ensure that the minimum HEDNA requirement for office and industrial uses can be met during the plan period (see paragraph 5.60 of TPC3). However, there is no minimum requirement for strategic distribution use within Harborough District. The 700,000sq.m. figure is a maximum ceiling above which no further development should be allowed because of the impact it would have on housing requirements, given that paragraph 37 of the NPPF states that planning policies should aim for a balance of land uses within an area.
- 5.5.3. While there is a strong justification, including the sequential order referred to above, for Harborough to continue to make a contribution to long term non-rail served strategic distribution, the sector is footloose within the 'Golden Triangle' and Harborough is not the only 'optimum location', there being no higher level strategic or national plan to direct such development. Moreover, the evidence only indicates a minimum need figure for strategic distribution across Leicester and Leicestershire, while the scale of commitments and completions in the sub-region is already high, exceeding the minimum requirement, and there is no maximum. Additional development at Magna Park will continue to serve the jobs needs of the District and wider labour market, but these could be provided elsewhere outside the District.
- 5.5.4. Unlike the general employment sites, there is a strong demand for strategic distribution sites and the scale and location of the commitments is such that they would be unsuitable for alternative uses such as housing or retail. It may also be that the relative values of the uses is such that housing, even if appropriate, on these sites would be commercially less attractive. There is therefore no need to show the committed sites as allocations and to include a detailed Policy in Part C of the Plan. This would enable flexibility in the event that, for whatever reason, the current permissions lapsed and alternative proposals emerged.
- 5.5.5. Instead the 'steering' of development for strategic distribution via the criteria-based approach is considered to be the best way to manage the complex circumstances involved. This pragmatic and balanced approach in an arena of



opposing views is considered to be positively prepared, effective and justified by the evidence. It provides certainty in the quantum allowed, a positive geographical steer, and criteria to address key issues and concerns. It recognises the presence of a sequentially preferable existing site in the District at Magna Park, with a location and characteristics that are attractive to the market and meet the LLEP's priorities, while acknowledging the Sustainability Appraisal's positive and negative effects. Given all these benefits and the existence of competing speculative schemes in the region, allocation may reduce developer risk but would not provide any extra certainty.

- 5.5.6. The same arguments also apply against allocating the site without permission, owned by Gazeley. However, the case for this is even weaker given that the Council has refused permission and is contesting an appeal. Given the lack of justification for allocation, in the Council's view, this would make the plan unsound.

## MATTER 5.6

### *5.6 Does the plan's approach to Bruntingthorpe Proving Ground in Policy BE4 strike an appropriate balance between economic development and environmental protection?*

- 5.6.1. The background to the use of Bruntingthorpe Proving Ground is set out in paragraph 6.7.1 of the Local Plan. Because of its relatively remote rural location it is not considered suitable for general business use and it is not required to meet the need for employment uses. However, as a brownfield site which has a history of economic development-related uses, it is accepted that some activity should be allowed to continue there and that development which maintains and enhances current activity should be permitted.
- 5.6.2. Nevertheless, in striking the most appropriate balance between economic development and environmental protection, the correct emphasis is considered to be on the latter, which is considered to also include residential amenity. This is because the site is extensive, in an unsustainable location with little or no public transport accessibility and relatively poor road access, and because both the uses themselves and servicing by heavy goods vehicles can have adverse environmental impact by virtue of noise, pollution, and visual impact.
- 5.6.3. Policy BE4 as proposed to be modified in response to the Inspector's Initial Questions (Modification Reference 17) relates to two distinct parts of the site, as defined on the Policies Map.
- 5.6.4. Policy BE4(1)(b)&(c) follows an appeal against enforcement action that was allowed, granting planning permission for various uses subject to a section 106 obligation dated 29<sup>th</sup> October 2009 (see EMP13). The permitted uses are 'events' in accordance with an Operational Programme defined, in order to enable monitoring and control by the Council and an understanding of the nature of the activities by the community, with the intention not to cause undue disturbance to local residents. Events means activities permitted by the 2009 Appeal decision pertaining to: emergency services, media, go karts, driver tuition, corporate entertainment and cycling. Corporate entertainment is restricted to 50 days a year and is subject to various controls and monitoring arrangements.
- 5.6.5. Other uses set out in Policy BE4(1)(a) are subject to other permissions / established uses dating back to 1973 when the change of use of the whole airfield took place, including those which relate to its former and current function as a proving ground for the testing of motor cars and commercial vehicles, and which have evolved and been authorised since. These uses are generally relatively low intensity in terms of built floor-space, jobs and thus traffic.

- 5.6.6. The range of uses is closely controlled through the policy because of the rural location of the site, the proximity of villages / settlements to its perimeter and its limited accessibility. Extending the definitive list of existing legal and authorised uses within BE4.1a, to include development related to business sectors already on the site, has the potential to lead to the intensification and expansion of an array of general employment uses unrelated to its function as a proving ground and for which such a location is unnecessary. Such changes and including main town centre uses such as B1a in criterion BE4(2)(a), are therefore considered unsound on the basis that the site is in a remote and unsustainable location and economic development should be supported in the District's most sustainable settlements and accessible locations.
- 5.6.7. Policy BE4(2) relates to the industrial estate that has been developed in a variety of new and old, former military, buildings. The intention is to allow small scale development of existing uses at Bruntingthorpe Industrial Estate. As set out in the response to Initial Question 25 (IC4), large-scale extension to the Bruntingthorpe Industrial Estate does not form part of the Plan's provision for employment uses due to its relatively remote location and is only justified in accordance with the criteria set out.
- 5.6.8. Incremental improvements would be allowed under BE4(2)a. Improvements to the physical environment of the estate, currently a barrier to investment, could be delivered as part of a comprehensive scheme included in a development brief or master plan in accordance with BE4(2)b. Given that expansion or intensification of the site is not needed to meet requirements, it is considered that this represents a good compromise between a wholly restrictive approach and one which would allow a continuation of ad hoc growth in a manner that does not address its current untidy and unattractive appearance, not to mention the environmental and safety issues raised by traffic generated. In relation specifically to traffic, any comprehensive improvement scheme for the site under BE4(2b), in addition to meeting the requirements of criteria BE(4)(2d,e and g), should be encouraged to look carefully at the potential closure of the Mere Lane access to the industrial estate, in response to Representation 5477. Although unrelated to the soundness of the policy, if deemed beneficial by the Inspector, a minor modification to the policy explanation to reflect this point would be considered.