

EiP Statement

Harborough Local Plan 2011 to 2031

Our ref CL02984/07
Date September 2018
To Programme Officer
From Lichfields

Subject **Matter 5: Meeting Employment Needs**

1.0 Introduction

- 1.1 Lichfields is instructed by Prologis UK Limited (Prologis), who, with Rugby Radio Station Limited Partnership (RRSLP), is the developer of the extension to the Daventry International Rail Freight Terminal (DIRFT III). These representations are prepared by Lichfields on behalf of Prologis and RRSLP [Representor ID: 7274] in relation to the Harborough Local Plan 2011 to 2031 [HLP].
- 1.2 This statement sets out the basis of the representations to be made on behalf of Prologis and RRSLP at the forthcoming Examination in Public [EiP] hearing session concerning Matter 5: Meeting Employment Needs.
- 1.3 These representations supplement previous submissions in relation to the Publication Harborough Local Plan, the Harborough District Local Plan Options in October 2015 and the submission on the Sustainability Appraisal - Second Interim SA Report Appraising Options for the Provision of Strategic Distribution Growth (February 2016).
- 1.4 Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework 2 [NPPF2] and the National Planning Practice Guidance [the Practice Guidance].

2.0 Matter 5: Meeting Employment Needs

Q5.1 Does the plan provide for an appropriate amount of land and floorspace for business purposes, and is the plan effective in its approach to new employment development?

- 2.1 Prologis and RRSLP consider that the HLP and policy BE2 is not effective in its approach to new employment development. We reiterate Daventry District Council's concerns raised and the need to demonstrate that the level of employment being planned for at Magna Park is justified. Harborough Council rebutted Daventry DC's request that the Council has not justified this requirement stating that "No assessment has been made as to whether the proposed maximum floorspace limit would have an impact on existing and proposed strategic rail freight interchanges (SRFI) (2b) as it is considered that the scope and scale of such a study would not be proportionate or conclusive. It is considered that the existing requirement set out in criteria 2b provides sufficient protection and consideration of SRFIs". It is clear that this work needs to be undertaken otherwise the Council's evidence has been retrospectively prepared to justify the

approval of the applications at Magna Park. It is considered that effective joint working with Daventry DC has been deferred and not effectively dealt with.

- 2.2 The allocation of an extension to Magna Park would have significant cross boundary implications because of its scale. It is clear in the Harborough Duty to Co-operate Statement (March 2018) that the Council has still not reached agreement with Daventry DC, who requested that the Council demonstrate that an assessment is prepared to demonstrate that the level of employment being planned for at Magna Park is justified. We understand that Daventry DC is submitting a response to Matter 5 to reiterate the concerns raised in the Regulation 19 consultation have not been addressed.
- 2.3 Prologis and RRSLP consider that the HLP evidence documents have not robustly justified the amount of floorspace for business purposes particularly with regards to the provision of 700,000 sq m of strategic and storage distribution.
- 2.4 The Inspector has sought clarification on a number of issues in advance of the examination of the submitted Local Plan. One of the concerns related to the fact that the latest demographic evidence would potentially justify a lower housing requirement than in the submitted plans, principally as a result of the lower projected population growth in the oldest age groups as a result of lower life expectancy. Given that the growth of Magna Park is justified on the basis of projected housing growth, Prologis and RRSLP would question whether the amount of business floorspace and the scale of strategic and storage distribution floorspace is still justified. The Council in its response have stated that the housing issues will be subject to discussions raised at the Hearings.

Q5.2 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?

- 2.5 To put the level of potential expansion at Magna Park into context, the existing Magana Park development is 202 ha. The Harborough District Council Strategic Employment Land Availability Assessment (SELAA) 2017 Update states that the need for further land for strategic B8 use is assessed separately to the HEDNA as part of the 2014 Leicester and Leicestershire Strategic Distribution Sector Study (L&LSDSS) (further confirmed by the 2016 Update report). This identifies minimum gross land requirements for strategic B8 development of 361 hectares by 2031 and 472 hectares by 2036 across the Functional Economic Housing Market Area (FEHMA) (Leicester and Leicestershire) (para 1.2.3). The L&LSDSS (2014) preferred high replacement scenario suggests around 153ha of new land at non-rail served sites will need to be brought forward within Leicestershire up to 2036. Using the site areas from the applications that have been submitted at Magna Park (two of which have been approved), it is noted that the Magna Park extension will deliver 383 hectares ha of land. Thus, the Magna Park extension will more than double the requirement for non-rail served sites required in Leicestershire as well as delivering in excess of the gross land requirement for strategic B8 development by 2031.
- 2.6 Furthermore, we also aware of the fact that there is currently a significant amount of vacant and available floorspace at the existing Magna Park Site. The Council has not been clear in demonstrating or assessing the amount of vacant floorspace on Magna Park or the likelihood and impact of redevelopment, which is probable due to the age of some of the buildings at Magna Park in the near future.

- 2.7 Prologis and RRSLP considers that concentrating such a substantial amount of the employment requirement in this part of Harborough will have serious implications for the delivery of sustainable economic development in the balance of the Leicestershire area.
- 2.8 Most concerning is the Council's response to the Inspector's Initial Questions Q.20 (p.49) in relation to an evaluation of the impact of this policy on other strategically important projects such as DIRFT and the response is "*Strategic B8 behaves differently from other commercial sectors. Its scale and drivers ensure its influence extends beyond boundaries making forecasting and impact assessment difficult. **No specific analysis has been undertaken to evaluate the impact of this policy on other strategically important projects such as DIRFT, nor has any evidence been submitted, via consultation or a result of Duty to Co-operate discussions, to substantiate concerns in the regard expressed in representations***" [Lichfields emphasis]." Prologis and RRSLP note that it is not a third party's duty to apply the policy relating to the impact of the proposals at Magna Park, but the Council's. This assessment needs to be undertaken by them.

Q5.3 What is the latest position regarding the planning applications for strategic distribution?

- 2.9 Prologis and RRSLP notes that the Council will provide the most up to date position on the planning applications for strategic distribution in the Borough. Our understanding in relation to planning applications specifically relevant to Magna Park is that the Council has already approved a substantial amount of road-served warehousing in the open countryside:
- 1 LPA ref: 15/00919/FUL: Erection of 100,844sqm Storage and Distribution centre (B8) with ancillary B1(a) offices on land adjoining and linked to Magna Park, including formation of access road from Magna Park, erection of gatehouse, creation of roundabouts, partial realignment of Mere Lane and upgrading of A5 to dual carriageway, creation of SuDS facilities and associated infrastructure and landscaping works. Approved 25th October 2016.
 - 2 LPA ref: 15/00865/OUT: Outline application for the erection of up to 278,709sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, creation of access onto A4303 and emergency services only access onto A5, formation of a Lorry Park, creation of SuDS facilities and other associated infrastructure and the demolition of Glebe Farmhouse (Means of access only to be considered). Approved 5th July 2018.
 - 3 LPA ref 15/01531: Hybrid planning application on land adjoining and linked to Magna Park, Lutterworth, Leicestershire: 1) outline planning application for the erection of up to each of (GIA) 419,800 sq m storage and distribution (B8) with ancillary offices (B1), 3,700 sq m for a Logistics Institute of Technology (D1), 9,000 sq m small business space (B1), change of use of Bittesby House Barns to accommodate an exhibition centre (D1), and including the demolition of Lodge, Emmanuel and Bittesby Cottages and Bittesby Barns, the creation of a Country Park, other open space and landscaping works, formation of access road from Magna Park, creation of roundabout and partial realignment of Mere Lane, upgrading of A5 to dual carriageway and creation of roundabouts, creation of SuDS facilities and associated infrastructure; and 2) detailed planning application for the creation of a 134 space HGV parking facility, gatehouse and HGV Driver Training Centre, vehicle wash and fuelling facilities, and a railfreight shuttle and terminal, landscaping works and creation of SUDS facilities. Planning permission is sought in 1) for the siting, extent and use of the defined parcels, the maximum quanta and height of buildings, the restriction on the siting of yards, demolitions and means of access; in 2) for the use, layout and appearance of the site and

means of access. The application was refused on the 17th January 2018 because “the landscape impact is severe and outweighs the economic benefits. Also it is contrary to Policy CS17”. The refused application is subject to a public inquiry [Appeal Ref: APP/F2415/W/18/3206289] which is expected to commence in 2019.

Q5.4 Is Policy BE2 an adequate means of controlling and mitigating the impact of this amount of strategic storage and distribution?

- 2.10 Prologis and RRSLP consider that Policy BE2 does not adequately control or mitigate the impact of this amount of strategic storage and distribution. The Policy is ambiguous and ineffective and facilitates the development of an unjustified level of employment development in the open countryside.

Q5.5 As significant growth in strategic distribution is a major feature of the plan, with consequent housing, employment, transport and countryside effects, under the plan-led system should not the relevant land be identified as an allocation?

- 2.11 It is unclear why the Council has not identified the strategic distribution land as an allocation. Prologis and RRSLP considers that the HLP does not clearly set out the scale and distribution of new employment development nor does it properly reflect the scale of the proposed extension to Magna Park. We refer to the Council’s response to the Inspector’s Initial Question 20 (p.49) which states that “*Policy BE2 does not propose or allocate land for strategic B8 or the expansion of Magna park. It is criteria based policy against which planning applications would be considered*”. Whilst Policy BE2 states a maximum of floorspace to be delivered it is not an effective policy for development control purposes and could result in further unjustified incursion into the open countryside.

Q5.6 Does the plan’s approach to Bruntingthorpe Proving Ground in Policy BE4 strike an appropriate balance between economic development and environmental protection?

- 2.12 Prologis has no comments to make on this issue.