

**Harborough Local Plan 2011 to 2031: Matters and Issues for Examination**

**Matter 6.5: Submission of Behalf of Gazeley**

6 September 2018

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**6. Spatial Strategy and countryside protection**

**6.5: Are the range of policies GD3 to GD7 governing rural development and the protection of the landscape and the countryside sound?**

1. We consider policy GD5, both the original version and as modified in response to the Inspector's Initial Question 17, to be unsound.
2. As drafted and as proposed for modification:
  - i) GD5 is inconsistent with national policy:
    - No provision is made for instances where 'loss or harm' to features of landscape importance cannot be avoided.
    - Neither the restoration of nor 'equivalent mitigation' for lost or damaged features may be feasible.
    - Mitigation as the term is normally meant in policy may well be capable of making an otherwise impermissible development under GD5 acceptable.
  - ii) GD5 could make GD3 Development in the Countryside ineffective (undeliverable) unless the GD5 criteria are modified to make GD5 consistent with national planning policy
3. As proposed for modification, GD5 is inconsistent with national planning policy (NPPF 2012) in the following ways:
  - a) NPPF paragraph 152, accepts that it will not always pursue alternative options that avoid significant adverse impacts on any one dimension of sustainable development. Where significant adverse impacts cannot be avoided, measures to mitigate the impact should be considered. And where adequate mitigation measures are not possible, then appropriate compensatory measures may be appropriate.

GD3 however:

    - fails to allow for the possibility of instances where harm to features of landscape importance may be unavoidable;
    - omits 'mitigation' as the first consideration for reducing the harm to acceptable levels, with compensatory measures coming into play only if mitigation is not feasible;
    - provides only for restoration or 'equivalent mitigation', where this is the third option in the sequence of steps for mitigating significant adverse impacts
  - b) The use of the term 'equivalent' to qualify the term 'mitigation' has no locus in national planning policy. It is unclear whether the word is meant to refer to the degree of harm caused or whether the intention is to require 'compensation' for the harm or loss. .
4. BE2 is only capable of implementation if countryside land is developed – which the modified policy GD3 now recognises. There are no alternatives for delivering the 700,000 sq m allowance

for strategic distribution warehousing that would extend or adjoin Magna Park that would not entail development in the countryside. GD5 – unless amended to be consistent with national policy – would in effect preclude the delivery of BE2 as it would be virtually impossible to build the scale of buildings the logistics industry wants without damaging or even losing existing landscape features.

5. Finally, the order in which the GD5 criteria are listed is not as logical as it might be.
6. To resolve these problems, we suggest the following amendments to GD5 as proposed for modification by HDC (we have 'accepted' HDC's modifications as the starting point for the changes we proposed to make the policy sound):

***Policy GD5: Landscape character***

Development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it:

- a. respects and, where possible, enhances local landscape, the landscape setting of settlements, and settlement distinctiveness;
- b. safeguards important public views, skylines and landmarks; ~~and~~
- c. avoids the loss of, or substantial harm to, features of landscape importance; and
- d. where loss or harm is unavoidable, provides for mitigation measures or, where adequate mitigation measures are not possible, for appropriate compensatory measures.