

The Town and Country Planning (Inquiries Procedure) (England) Rules 2000
Town and Country Planning (Hearings and Inquiries Procedure)
(England) (Amendment) Rules 2013

**Appeal by Gazeley UK Limited
Land at Mere Lane, Bittesby, Leicestershire
LPA ref. no. 15/01531/OUT**

**Against the Refusal of Planning Permission
by
Harborough District Council**

STATEMENT OF CASE

2 July 2018

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1 INTRODUCTION

Introduction

- 1.1 This SOC is submitted in accordance with the Planning Inspectorate's current "Planning Appeals: Procedural Guide" and pursuant to Section 78 of the Town and Country Planning Act.
- 1.2 This is Gazeley's (the Appellant) full Statement of Case (SOC) against the decision by Harborough District Council (HDC), contrary to its officers' recommendation, to refuse planning permission for the Appellant's hybrid application, 15/01531/OUT (the Application).
- 1.3 The Application is a hybrid application for a mix of strategic distribution warehousing and ancillary uses on land adjoining and linked to Magna Park, comprising:
 - 1) Outline application for the demolition of Lodge, Emmanuel and Bittesby Cottages and erection of up to 419,800 sq m Storage and Distribution (B8) with ancillary offices (B1a), up to 3,700 sq m for a Logistics Institute of Technology (D1) with associated playing field, up to 9,000 sq m small business space (B1a, B1b), change of use of Bittesby House barns to exhibition centre (D1), the creation of a Country Park, other open space and landscaping works on land to the north of Mere Lane, formation of access road from Magna Park, creation of roundabouts, partial realignment of Mere Lane, upgrading of A5 to dual carriageway, creation of roundabout access on A5, creation of SuDS facilities and associated infrastructure and landscaping works (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 to be considered only); and
 - 2) Detailed application for the creation of a 137 space HGV parking facility, associated gatehouse and HGV Driver Training Centre, vehicle wash and fueling facilities, and a rail freight shuttle terminal, with associated hardstanding, landscaping works and SUDS facilities on land adjacent to Asda George Headquarters, A4303
- 1.4 The Appellant requests that the appeal will take the form of an Inquiry given the issues, the significance of the application and the inconsistencies in the approach of the local planning authority. These matters will require testing by formal cross-examination to assist in their resolution. The Appellant's Justification for Inquiry is provided at Appendix 1.
- 1.5 A draft list of the documents that will be referred to during the course of the appeal is provided separately as is a draft of the scope of the Statement of Common Ground (SOCG). The Application falls within Schedule 2 of the EIA Regulations 2011 (as amended) and is supported by a full Environmental Statement (ES) which is included in the documents the Appellant will refer to.
- 1.6 The SOC provides the following in the Appendices shown:
 - Appendix 1: Appellant's Justification for Inquiry
 - Appendix 2: Application Parameter Plans 1 (3657-34-19) and 2 (3657-36-07)

- Appendix 3: Boundary plan for planning permission LPA Ref No 15/00919/FUL (Plan 3657-30-05)
 - Appendix 4: Plan showing the permitted development overlaid on the Application Red Line Plan (3662-303-02) and Parameter Plan 1 (3662-304-02)
 - Appendix 5: Draft Conditions (Officers' Report to Council, 10 January 2018)
 - Appendix 6: Agreed Heads of Terms of the S106 Agreement (Officers' Report to Council, 10 January 2018).
- 1.7 The Appellant reserves the right to respond to the Council's and any Rule 6 party's SOC and adduce additional evidence.

2 THE APPLICATION DEVELOPMENT

The Application

- 2.1 The Application aims to extend Magna Park by adding 237.38 ha of undeveloped land adjoining Magna Park in two zones:
- 2.1.1 Outline planning permission is sought for Zone 1, a 230.64 ha site adjoining Magna Park across Mere Lane, to be accessed via an extension to Magna Park's Argosy Way; and
- 2.1.2 Full planning permission is sought for Zone 2, a 6.74 ha site adjoining the site of the George HQ.
- 2.2 The Zone 1 site includes a 54.97 ha site which benefits from full planning permission for a 100,844 sq m distribution warehouse together with associated landscape, public access and highway infrastructure works, LPA Ref. 15/00919/FUL ("the Zone 1 Permission"). The plans in Appendices 3 and 4 show the permitted area. The Application's outline proposals are the same as the Zone 1 Permission in respect of landscape, surface water management, foul water disposal, access and highways improvements.
- 2.3 The Zone 2 site also benefits from full planning permission for a HGV and car parking facility, LPA Ref. 12/00851 ("the Zone 2 Permission"). The Application's detailed proposals for Zone 2 in respect of access and landscape are the same as those of the Zone 2 Permission.

Description of the Development

- 2.4 The Application is for the uses and, in Zone 1, the maximum site area and built quanta described below. Parcel References in Zone 1 are to Parameter Plan 1 (Drawing Ref No 3657-34-19) is provided at Appendix 2. Parameter Plan 2 (Drawing Ref No3657-36-07) is also provided at Appendix 2.
- 2.4.1 **Zone 1** (Outline, 230.64 ha):
- Parcels G-L: 82.24 ha for up to 419,800 sq m of distribution warehousing (Use Class B8) and ancillary office space (Use Class B1a), including Parcel G for the 100,844 sq m distribution warehouse permitted by LPA ref no. 15/00919/FUL
 - Parcel E: 6.78 ha for the "hub", containing:
 - LIT: the Logistics Institute of Technology (Use Class D1): up to 3,700 sq m together with its campus and playing field
 - MPIC: Magna Park Innovation Centre (Use Class B1a, B1b): up to 2,325 sq m
 - Parcel F: 2.66 ha for a new HQ and replacement building for Holovis (Use Class B1a, B1b), up to 7,000 sq m

- Parcels C and D: 70.44 ha for Bittesby Country Park (Parcel C) and meadowland (Parcel D)
- Parcels A1-A3: 32.51 ha for structural landscape on site perimeter linking to Magna Wood, and including SUDS systems and Mere Lane Lagoon (Parcel A1)
- Parcel B: 33.21 ha for access from Magna Park, the principal internal access road, the roundabouts on the A5, the partial realignment of Mere Lane and the upgrading of A5 to dual carriageway (a substantial part of Parcel B lies within the public highway)
- Parcels M1-M2: 1.71 ha for SUDS systems, bio-discs and reed beds and other landscape works
- Bittesby House, for estate marketing and business conferencing, and Bittesby barns for the Local Heritage Centre and public lavatories

2.4.2 **Zone 2** (full, 6.74 ha):

- Railfreight Shuttle and associated Terminal
- HGV Parking (137 spaces) and electric charging points
- HGV Driver Training Centre (0.427 ha)
- fuel island (including LPG and CNG) and vehicle washing facility
- access from A4303
- associated landscape works and SUDS systems.

The Details for which Planning Permission is Sought

- 2.5 Planning permission in Zone 1 is sought for the siting, maximum extent and use of each Parcel, the maximum development quanta and building heights in Parcels with buildings, and for the restrictions on the siting of yards and HGV circulation in Parcels F-L, and means of access (Parameter Plan 2, 3657-36-07, is provided in Appendix 2). Full planning permission is sought for the details of the Zone 2 proposals.
- 2.6 The principal aim in seeking planning permission for the Zone 1 details was to provide local communities with greater certainty as to the “worst case” impact of the development. A major share of the landscape and visual mitigation required to moderate a “worst case” impact is embedded in the layout and design details for which planning permission is sought.

The Application’s Use Mix

- 2.7 The Application proposes to deliver, in addition to 419,800 sq m of strategic distribution floorspace:
- 2.8.1 The Logistics Institute of Technology (LIT): a further and higher education and applied research institute created by a partnership between Gazeley, Aston

University, South Leicestershire and North Warwickshire & Hinckley Further Education College and Holovis to meet the industry's needs for higher level skills and innovations in supply chain technologies, management and environmental sustainability.

- 2.8.2 The Magna Park Innovation Centre (MPIC): high quality serviced office space to provide premises for new and growing small firms on easy-in, easy-out licences to fill a gap in the local property market and to capture the commercial spin-out and small business growth opportunities generated by LIT, Holovis, and Magna Park's logistics businesses.
- 2.8.3 The Local Heritage Centre (LHC): a local heritage centre to exhibit and interpret the site's heritage and the role of landscape design and management in preserving that heritage, improving the site's resilience to climate change and contributing to local carbon reduction targets. The LHC is to operate in partnership with the Lutterworth Museum.
- 2.8.4 Railfreight Shuttle and Terminal to provide a low or no carbon, on demand, shuttle service to Daventry International Freight Terminal (DIRFT) and temporary storage of containers to make it easier and more cost-efficient for Magna Park's largely road-based businesses to increase their use of railfreight.
- 2.8.5 HGV Park to provide layover facilities for Magna Park businesses
- 2.8.6 Driver Training Centre to provide training to reduce the shortage and increase the professionalism of HGV drivers.

The Development Concept

- 2.8 The Appellant was an early pioneer at Magna Park of applying a 'landscape-led, eco-system' design approach to commercial development – i.e., that is a design approach that responds to the specific character of the local landscape and places a high priority on enriching habitat and biodiversity with the object of binding the development to the wider eco-system of which it should be part.
- 2.9 The Application has provided the Appellant the opportunity to extend that concept by additionally applying 'place-making' concepts in the design approach and the mix of uses, with the object of creating a single integrated logistics park that is also open to and meets needs of the wider community. The extended Park is given a central "hub" (Parcel E and Bittesby House and barns) which contains the non-warehouse and community uses and opens onto the a 70 ha Country Park and Meadow which is linked to the further 33 ha of publicly accessible green infrastructure and to Magna Wood (the c 1 million tree plantation created by Phase 2 of Magna Park's original development).
- 2.10 The hub contains the proposed LIT and its campus for dual use with the community, the MPIC with its café which will also be open to the community and visitors to the Country Park, the restored Bittesby House with its marketing suite and conference facilities, again for dual use with the community, and the restored and converted Bittesby House barns that are to accommodate the LHC together with lavatory block for the Country Park.

- 2.11 The Country Park and Meadow contain a network of retained and enhanced public rights of way (PROW) and permissive footpaths, bridleways and cycleways that are linked to Magna Wood and the network in the wider area. The proposals make permanent the permissive routes that were created under the now concluded (October 2017) High Level Stewardship Scheme.

The Determination of the Application

- 2.12 The Appellant submitted the Application to HDC on 2 October 2015 following a full programme of pre-application discussions.
- 2.13 The Application was submitted with a full Environmental Statement, Design and Access Statement, Planning Statement and the suite of further documents required by HDC, including a Flood Risk Assessment and a Statement of Community Involvement.
- 2.14 Further information was also provided during the post-submission period pursuant to Regulation 22 of the EIA Regulations 2011.
- 2.15 The Application was first determined by HDC's planning committee on 23 November 2017. The officers' report recommended that planning permission be approved, and the planning committee resolved to grant planning in line with its officers' recommendation. The Application was subsequently called in for reconsideration by HDC's full council, again with the officers' recommendation that planning permission be approved. Members reconsidered the Application on 10 January 2018. Despite the officers' recommendation and the resolution of the planning committee, members voted 12 to 10 to refuse the Application.

3 THE APPLICATION SITE

Site Description

Zone 1

- 3.1 Zone 1 is linked to and extends Magna Park. Its boundaries are formed by the A5 to the south and west, Mere Lane to the east and the ridgeline hedgerows following the parish boundary to the north.
- 3.2 The nearest local settlement to Zone 1 is Willey which is 0.45 km away, beyond the A5. To the north are the villages of Ullesthorpe and Claybrooke Parva which are located, at the closest point to the site, 1.0 km and 1.3 km distant. Bitteswell is located 2.0 km to the east of the site, and the market town of Lutterworth is located 2.2 km to the east.
- 3.3 Access to Zone 1 is currently provided by Mere Lane, which in turn connects to the A5 and the wider strategic highway network. Junction 20 of the M1 is located beyond Lutterworth, approximately 4.5 km to the east of the site. Further afield, Junction 1 of the M69 and Junction 1 of the M6 are situated to the north west and south west respectively.
- 3.4 Zone 1 comprises large open arable fields, smaller enclosed fields, some mature hedgerow boundaries and mixed native tree belts; 79.2% of the site is in agricultural use, virtually all of which is Subgrade 3b with a small share of Grade 4.
- 3.5 Landscape features include vertical level of more than 20 m across the site from highest ground along the eastern Mere Lane to the lowest point in the valley bottom. Two small tributary streams meet the Upper Soar and run along small valleys to the east of Zone 1. Other landscape features include the wooded embankments of the dismantled Midland Counties railway that follows the Upper Soar valley at the centre of the site.
- 3.6 The built elements of the original Bittesby Estate include Bittesby House, the Bittesby Cottages (occupied by Holovis) and, with permission for demolition as part of the Zone 1 Permission, the Lodge and Emmanuel cottages on the A5.
- 3.7 The horizon to the east of the site is dominated by the existing built environment of Magna Park and the trees and hedgerows along Mere Lane. The Manor Farm Wind Turbine is another built feature that also punctuates the skyline to the north-east of the site.
- 3.8 To the south and west, the hedgerows and embankments of the A5 trunk road contain immediate views. To the north west, views extend over gently rolling fields towards Wibtoft and Woodway Lane. To the north, St Peter's church spire in Claybrooke Parva and the windmill stump of Ullesthorpe can be seen via tree filtered views along the Upper Soar Valley, as can the church spire of St Leonards in Willey to the south.
- 3.9 To the north east of the site, the Mere Lane Lagoon (an attenuation feature for Magna Park) is used by the public as a fishing lake. Public rights of way, bridleways and public footpaths cross the site connecting the village of Willey to Ullesthorpe and Claybrooke Parva and the Lutterworth Road. These rights of way intersect and connect with the

permissible routes that currently allow a variety of walking and riding itineraries around the site.

- 3.10 Zone 1 of the site also contains the Scheduled Ancient Monument (SM) of Bittesby Deserted Medieval Village which is located at the centre of the site between the railway embankment and Upper Soar tributary (Claybrook stream). Archaeological assets to the north east and east of the SM contribute to its significance and setting.
- 3.11 Bittesby House, Bittesby Cottages and the former 'lodge' to Bittesby House are non-designated heritage assets. Planning permission has been granted for the demolition of the lodge and the adjoining Emmanuel Cottage as part of the Zone 1 Permission.
- 3.12 Zone 1 does not include, nor is it adjacent to or within a 2 km radius of, any statutory designated sites for wildlife such as SSSIs, SPA/SAC/RAMSAR, AONB.

Zone 2

- 3.13 Zone 2 forms part of the developed southern edge of Magna Park. Immediately to the zone's north, is a distribution building occupied by Culina (Building 7100) and the George House office building.

The symmetry park Application (LPA Ref 15/00865/OUT)

- 3.14 HDC's planning committee, at the same 23 November 2017 meeting at which the Application was first determined, considered first a further application for a strategic distribution park (symmetry park). That application is promoted by db symmetry (DBS) and is for a 278,709 sq m distribution park on a 79 ha site on land adjoining Magna Park on the south side of the A4303 Coventry Road and east of the Application's Zone 2 site.
- 3.15 HDC's planning committee also resolved to grant planning permission for that application subject to the completion of a S106 agreement and a referral to the Secretary of State as a departure from the development plan.

4 PLANNING POLICY

Introduction

- 4.1 The statutory development plan is the Harborough District Core Strategy 2011-2028 and the saved policies of the Harborough District Local Development Framework Core Strategy, adopted in November 2011, and the “Saved Policies” identified therein.
- 4.2 The relevant provisions of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations.
- 4.3 Also material are the economic development and growth strategies to which HDC is obliged to have regard by NPPF paragraphs 160 and 180 and to the local and county-level strategies for reducing carbon emissions and improving resilience to climate change which reflect HDC’s obligations under NPPF Chapter 11.

Development Plan Policies

- 4.4 The Appellant will call on these policies of the development plan with reference to the Reason for Refusal: CS1, CS7f, CS7h, CS8, CS9, CS11, CS14, CS17 and Saved Policy EV3.

National Planning Policy and Guidance

- 4.5 The appellant will also refer to the relevant provisions of the National Planning Policy Framework (NPPF), the draft revisions to the NPPF (or the revised NPPF if it has been issued) and National Planning Practice Guidance (PPG).
- 4.5.1 NPPF paragraphs 7-8, 14, 17, 19, 22, 28, 30-32, 34-35, 61, 66, 69-70, 73, 75, 93, 99, 109, 118, 128-129, 132, 134, 135 and 160.
- 4.5.2 NPPF Draft Text for Consultation, March 2018, paragraphs 7-9, 11, 40-43, 83-85, 92-93, 99, 103-104, 108-111, 118, 122, 126-127, 130, 152-153, 168, 173d, 185, 188, 192, 195-196.
- 4.5.3 PPG Paragraph 001 (ID: 6-001-20140306), Paragraph 001 (ID: 8-001-20140306), Paragraph 027 (ID: 8-027-2160211), Paragraph 028 (ID: 8-028-20160211), Paragraph 030 (ID: 8-030-20160211), Paragraph 031 (ID: 8-031-20160211), Paragraph 007 (ID: 26-007-20140306), Paragraph 009 (ID: 26-009-20140306), Paragraph 013 (ID: 26-013-20140306), Paragraph 004 (ID: 37-004-20140306).

Economic Development and Environmental Strategies

- 4.6 The Appellant will refer to the Leicester and Leicestershire Strategic Distribution Sector Study (2014 and 2016), HDC’s Open for Business Prospectus and Action Plan (2013, 2014) and Harnessing Harborough 2018-2023, HDC’s most recent local economic development strategy, the Midlands Engine for Growth Prospectus, the Strategic Economic Plans of the three Local Enterprise Partnerships that cover the logistics

sector's golden triangle together with the relevant associated studies, and the UK Industrial Strategy.

- 4.7 The Appellant will also refer to HDC's Climate Local Action Plan, Leicestershire County Council's Environment Strategy 2011-2021 and Carbon Reduction Strategy for Leicestershire 2013-20 and the Government's 25 Year Environment Plan.

5 THE BENEFITS OF THE APPLICATION

Introduction

- 5.1 The Appellant will show that the Application generates substantial and wide-ranging economic benefits which are only achievable because of the scale of the extension and mix of uses and the co-location with the existing Magna Park. The Application also delivers social and environmental benefits, which are indivisible both from the economic benefits and from the landscape proposals.

The Benefits of the Application

- 5.2 The Appellant will show:

- 5.2.1 The Application accords with the development plan taken as a whole. It is consistent with all of the relevant policies of the development plan save for CS7h, CS7f, CS17 and CS11d. Of these, policies CS7h, CS7f and CS17 are inconsistent to a significant degree with the provisions of the NPPF, and the Appellant will show that the weight accorded these conflicts accordingly should be reduced and that, in any event, there are material considerations that support the grant of permission.
- 5.2.2 The Application meets evidenced and unchallenged needs for strategic distribution floorspace in the area by extending an existing distribution park in an optimal location in a Key Area of Opportunity that is proximate to both the strategic highways infrastructure and a strategic railfreight interchange.
- 5.2.3 The Application, with LIT, meets evidenced needs for further and higher education and applied research to upskill the industry, reduce its environmental footprint and drive the innovation needed to secure the sector's long term competitiveness while also reducing its environmental footprint – giving the district and south Leicestershire its first further and higher education institute.
- 5.2.4 The Application, with MPIC, meets the district's – and in particular Lutterworth's – evidenced need for easy-in, easy-out business space to support the creation and growth of small businesses in the district to contribute to the development of a more knowledge-intensive local economy.
- 5.2.5 The Application, with the Holovis HQ, provides for the expansion of a globally trading local high technology firm in its location of choice. Holovis is already working closely with the partners to LIT and with Magna Park firms, and stands to gain from as well as to contribute to the cluster efficiencies, opportunities and spur to innovation that the Application aims to create.
- 5.2.6 The Application, with the Zone 2 uses, meets evidenced needs for HGV driver training and for HGV layover facilities, and provides innovative Railfreight Shuttle and Terminal infrastructure that will make it easier and more cost efficient for primarily road-based distribution firms to increase their use of railfreight for parts of their supply chain.

- 5.2.7 In providing the Country Park, the footpath, bridle and cycle ways and other green infrastructure, the Application provides amenities for the park's businesses and their employees, adding to the site's operating efficiency and appeal, thus enhancing Magna Park's competitiveness in attracting the best and most forward-looking, socially responsible firms in the logistics industry and thus its value as a generator of economic benefits. These same facilities would also be open to local communities, providing a means of bringing together those who work, study or train at Magna Park with those who live locally – helping to improve mutual understanding and in that way too providing a mechanism for channelling as well as generating the park's economic benefits.
- 5.3 The Appellant will also show that Magna Park's existing scale and established standing in the logistics market, coupled with the scale and mix of uses that the Application is capable of providing, makes it possible to create, coordinate and capture the efficiency, labour market, community and environmental sustainability benefits of a logistics cluster. These 'additionality' benefits arise from the cluster the Application would create and would also accrue to the industry, economy and local communities. In the absence of this cluster, these further benefits would not be achievable.
- 5.4 The Appellant will show that the Environmental Statement (ES) submitted with the Application covers all matters with the potential for significantly adverse environmental effects. The ES shows that in no instance are the residual effects after mitigation significantly adverse. Mitigation is either embedded in the details for which planning permission is sought, or is capable of being required by condition or S106 obligation. The Appellant will also show that:
- 5.4.1 The statutory consultees with responsibility for each of the matters addressed by the ES concur, none objects to the Application and none finds a reason on the basis of the ES evidence, including its impact on the landscape, for refusing planning permission.
- 5.4.2 In the absence of the Application proposals, the arable regime would continue with the consequent risks to the non-designated heritage assets (Roman ladder settlement) identified on the ridge to the east of the SM.
- 5.4.3 The Application proposals provide for the well-resourced, permanent, management of the SM and the associated assets that contribute to its significance.
- 5.5 The Appellant will show that the acceptability in planning, landscape and environmental impact terms of a significant part of the Application proposals has already been established by the Zone 1 Permission. The conditional planning permission and sealed S106 agreement also provide for approaches and measures that would be extended to the rest of the Application site:
- 5.5.1 A landscape design approach that is both effective in mitigating the development's landscape character and improves the public's access to and experience of the site, enriches its habitat value and biodiversity, reduces its

carbon emissions, and puts in place a management regime that will ensure these benefits are maintained over time.

- 5.5.2 A state of the art warehouse building, environmentally as well as operationally.
- 5.5.3 The extension of a bus service to the site routed through and within Magna Park to serve the shift changeover times seven days a week and office hours Monday-Friday, supported by bus passes for up to 30% of the new staff for not less than five years.
- 5.5.4 The creation, delivery and monitoring of a Construction Job and Business Strategy that will put measures in place to increase the share of local people who take the jobs created and increase the supplier opportunities for local businesses.
- 5.5.5 The appointment of a Travel Plan Coordinator to put in place, monitor and enforce an HGV Routing Plan to prevent the use of the A426 through Lutterworth town centre; and put in place and promote and monitor the effectiveness of an Employee Travel Routing Plan to discourage use of other than the strategic highway network.

6 REASON FOR REFUSAL

The Reason for Refusal

- 6.1 In spite of Officers' advice and the advantages of the Application's proposals, HDC refused the Application. HDC cites one reason for refusal:

"The landscape impact is severe and outweighs the economic benefits. Also it is contrary to Policy CS17."

The Appellant's Response

- 6.2 As to the landscape impact of the Application, the Appellant will show that it is limited, that the officers' positive assessment was correct and that it is acceptable in the context of the proposals as a whole:
- 6.2.1 The Application site enjoys no national or local landscape designation and is not a "valued landscape" in the terms of NPPF paragraph 109.
 - 6.2.2 The Application's significant landscape and visual effects are confined to landscape character and visual effects on parts of the site itself. In almost all instances, the significant adverse effects are confined to the construction stage and in operation up to the mid-term only.
 - 6.2.3 Site level adverse landscape character and visual effects on a greenfield site that will also extend Magna Park are inevitable. Yet, extensions to existing distribution parks in Key Areas of Opportunity are the preferred alternative for meeting the logistics industry's floorspace needs as advised by HDC's evidence base on the sector; and extensions to Magna Park that will accommodate up to 700,000 sq m of distribution floorspace are the preferred alternative as assessed by the Sustainability Appraisal for HDC's new Local Plan 2015-2031.
 - 6.2.4 The landscape design approach would both mitigate those effects, deliver net gains over the site's current use in biodiversity, habitat, carbon sequestration and public access and would manage the site so as to maintain those gains in perpetuity while also preserving in perpetuity the site's designated heritage asset (the SM) and the associated non-designated heritage remains that contribute to its significance. Public access to the SM and the ability to appreciate it on the ground will be enhanced by the Application proposals.
 - 6.2.5 In that context, HDC's own specialist landscape advisers regarded the landscape impact as "not unacceptable".
- 6.3 As to the Application's economic benefits, even if they are taken in isolation from the social and environmental benefits, they are so substantial in scale, nature and range that they alone outweigh the limited landscape impact of the Application:
- 6.3.1 The scale and range of the Application's uses will meet acknowledged needs over and above the warehousing floorspace that are otherwise unlikely to be met as effectively, as soon or even at all.

- 6.3.2 Because the Application extends Magna Park and will be, as Magna Park is now, proactively managed, the economic benefits the Application coordinates, generates and captures would not be achievable through other means.
- 6.3.3 The Application's economic benefits will accrue to local communities as well as to the wider district and regional economy.
- 6.3.4 HDC's Officers themselves considered that the economic benefits alone outweighed the limited landscape impact of the Application.
- 6.4 In any event, there is no basis for weighing the landscape impact of the Application against its economic benefits alone. When the environmental and social benefits of the Application (as described above) are taken into account, as they must be, then the case for the Application becomes even stronger.
- 6.5 As to the argument that the Application is contrary to Policy CS17:
 - 6.5.1 The Application accords with CS17ci-ciii, as the full Council was advised by its Officers. The bulk of the policy is thus complied with.
 - 6.5.2 Those parts of Policy CS17 which the Application does not comply with are contrary to the NPPF, and thus out-of-date.
 - 6.5.3 In that regard, in granting the Zone 1 Permission (which covers 24% of the Zone 1 site by land area), HDC concluded that the conflict with Policy CS17, with its blanket prevention of development in the countryside save for a narrow range of largely agricultural uses, could be given little weight. In those circumstances the NPPF presumption in favour of sustainable development was applied and permission was granted despite HDC having found that the proposal conflicted with the development plan.
- 6.6 In all of those circumstances, the reason for refusal is unsustainable.

7 OTHER CONSIDERATIONS

Introduction

- 7.1 Notwithstanding the single Reason for Refusal, the Appellant will draw on the evidence to show that none of the other matters addressed by the submitted ES, either alone or cumulatively, provides grounds for refusal. Additionally, the Appellant will show that Magna Park is an active member of the local community and pursuing measures now to enhance the value of Magna Park locally that will be extended to the Application should it be permitted.

The Other Considerations

- 7.2 The Appellant will refer to the following:
- 7.2.1 The labour market and local business benefits arising from the development (the warehousing, LIT, MPIC, Holovis HQ, Railfreight Shuttle and Terminal, Driver Training Centre and LHC) and from the Appellant's proposals for delivering these benefits and adopting measures that proactively target the benefits at local residents and businesses.
 - 7.2.2 The betterment for road users that will follow from the improvement works to the A5, the A426/A4303 (Whittle) junction and the A426/A5 (Gibbet Hill) junctions and the consequential improvements to the operation of the A5/A4303 (Cross-in-Hand) junction.
 - 7.2.3 The sustainable transport proposals, including for the extension of bus services into Magna Park to match shift and office hours and weekly working patterns and for cycle and footpath links to Magna Park, together with the appointment of a Travel Plan Coordinator.
 - 7.2.4 The absence of evidence to corroborate rat-running through villages by HGVs and employees, coupled with the Appellant's undertakings in the draft S106 agreement to post a bond of £200,000 for Traffic Regulation Orders should such evidence emerge.
 - 7.2.5 The substantial heritage benefits delivered by the proposal to be weighed alongside the other public benefits of the proposal in justifying the less than substantial harm caused to the significance of the SM consequent upon the changes to its setting. These include the preservation and management in perpetuity and public understanding of the SM and associated non-designated heritage assets, combined with an increase in knowledge of the site's historical evolution through the Application's proposals. A clear commitment has been to a close working partnership with the Lutterworth Museum and to local heritage groups.
 - 7.2.6 The absence of any significant air quality effects, coupled with the undertaking to enter into a S106 agreement to put in place, monitor and enforce an HGV routing agreement to preclude the use of the A426 through Lutterworth town centre.

- 7.2.7 The absence of any significant noise effects.
- 7.2.8 The contribution of the Application to improving the resilience of the site to climate change and to contributing to the district's and county council's carbon reduction targets.
- 7.2.9 The Appellant's Implementation Plan for the non-warehousing uses and the parallel undertakings in the draft S106 agreement.
- 7.2.10 The Appellant's undertakings in respect to participation in a Transport Review Group that will include the participation of the two county highway authorities (Leicestershire and Warwickshire) and provide a forum for the involvement of local people alongside that already underway for Magna Park – the Community Liaison Group.
- 7.2.11 The bus services currently serving Magna Park and the Lift Share scheme to encourage more sustainable travel by promoting car sharing across all the businesses.

Planning Balance

- 7.3 The Appellant will show that the balance of planning considerations is in the Application's favour. The Application complies with the development plan overall. The sole conflict with a policy that is up-to-date and consistent with the NPPF is policy CS11d which seeks to protect, conserve and enhance the district's heritage assets and their setting.
- 7.4 Even if the Application is found to conflict with the development plan, that finding would be in a context where relevant development plan policies are out of date. The NPPF para 14 "tilted balance" in favour of sustainable development would thus apply.
- 7.5 As to the SM, considerable importance and weight must be given to the preservation of its setting. The harm caused to its setting is less than substantial. That harm is acceptable when balanced against the Application's social, economic and environmental benefits in the public interest, including the benefits for the preservation, management and public appreciation of the site's designated and non-designated heritage assets.
- 7.6 Although the Application changes the site's landscape, the harm it causes is not significant overall. Offsetting that harm is also a landscape scheme that mitigates the Application's visual effects and generates very substantial net environmental gains.
- 7.7 The Application meets, in a preferred strategic location, acknowledged needs for strategic distribution floorspace, for higher level education, skills and applied research for the logistics sector, for small business space available on licence, for HGV driver training, for HGV layover facilities and for facilities to increase the take-up of railfreight by largely road-based logistics business.
- 7.8 In meeting these needs, the Application creates some 5,800 jobs across a spectrum of occupations, delivers the only further and higher education institution in south Leicestershire, and provides for a range of further economic efficiency and other benefits that follow from the creation and coordination of a logistics cluster at Magna Park.

- 7.9 The Appellant will show, with regard to all these considerations, that the Application accords with the development plan, and that in any event its planning benefits significantly outweigh its harms. In those circumstances the appeal should be allowed and permission for the Application granted.

Conditions

- 7.10 A list of planning conditions is provided in Appendix 5, and is the same list that was set out in the Officers' Report. The Appellant agrees in principle with the conditions proposed but will enter into further discussions with HDC to ensure the final wording of the conditions remain relevant and up-to-date. A final draft of the agreed conditions will be submitted prior to the opening of the inquiry.

S106 Contributions

- 7.11 An agreed S106 Agreement Heads of Terms was prepared during the planning application process and is provided in Appendix 6. The same agreed Heads of Terms was appended to the Officers' Report.
- 7.12 The Heads of Terms include:
- 7.12.1 Construction Job and Business Employment Strategy
 - 7.12.2 Logistics Institute of Technology
 - 7.12.3 Magna Park Innovation Centre
 - 7.12.4 Holovis HQ7
 - 7.12.5 Bittesby Country Park and Meadow
 - 7.12.6 Bittesby Local Heritage Centre
 - 7.12.7 Bittesby House Re-use
 - 7.12.8 HGV Park, Driver Training Centre and Railfreight Shuttle and Terminal
 - 7.12.9 Carbon Neutrality Innovation Plan
 - 7.12.10 Construction Traffic Routeing Agreement
 - 7.12.11 Travel Plan Co-ordinator
 - 7.12.12 Bus Service
 - 7.12.13 Travel Pack
 - 7.12.14 Travel Plan Monitoring Fee
 - 7.12.15 Transport Review Group
 - 7.12.16 HGV Routeing Plan
 - 7.12.17 HGV Routeing and Signage Review.

- 7.13 The Section 106 agreement will need to be negotiated with HDC, Leicestershire and Warwickshire County Councils and agreed in the context of the appeal. The above Heads of terms may therefore be amended in due course.

List of Documents

- 7.14 A List of Documents is provided separately. The Appellant, however, reserves the right to refer to any other or new documents that may come to light during the course of this appeal which may be relevant to this case.