

Delegated Report

Planning Reference 25/00885/DOV
Applicant(s) National Grid UK Limited
Ward Barlestone, Nailstone, and Osbaston



Hinckley & Bosworth
Borough Council

Application Site Land NE of ALDI Distribution Centre, Wood Road, Nailstone

Proposal Deed of Variation to Unilateral Undertaking relating to planning permission 06/00980/OUT in light of planning application 25/00060/FUL.

1. Recommendations

- 1.1. **Grant Deed of Variation to the Unilateral Undertaking relating to planning permission 06/00980/OUT.**

2. Planning Application Description

- 2.1. This Deed of Variation seeks to vary the Unilateral Undertaking ('UU') relating to planning permission 06/00980/OUT to remove the land northeast of the ALDI Distribution Centre, Wood Road, Nailstone from the definition of 'Country Park Land' at Clause 1.10 and to provide an replacement plan (MC08953) that identifies the areas defined as country park land within this Unilateral Undertaking accordingly.
- 2.2. This Deed of Variation is required to facilitate the expansion of the existing electrical substation at land northeast of ALDI Distribution Centre, Wood Road, Nailstone, which was approved via planning application 25/00060/FUL, which is required to provide additional power to the ALDI Distribution Centre.

3. Description of the Site and the Surrounding Area

- 3.1. The 3,980sqm application site is approximately 450m to the northeast of the ALDI Regional Distribution Centre, to the west of Bagworth in the designated open countryside and the National Forest.
- 3.2. The application site is identified within the Land at Nailstone Colliery Public Open Space Site ('Interlink Country Park') within the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP') and in the Council's Open Space Assessment (2025).

4. Relevant Planning History

4.1 25/00060/FUL

- Installation of an electrical substation, transformers, new vehicular access, and associated site infrastructure
- Permitted
- 04.07.2025

The following applications are related to this 2025 permission: 25/00714/DISCON and 25/00729/BNG.

4.2 06/00980/OUT

- Redevelopment of former colliery site to include storage and distribution uses (Class B8), small business units (Classes B1(c), B2 and B8), a country park, landscaping open space, and the formation of a new access
- Permitted (by the Secretary of State)
- 06.03.2008

The following applications are related to this 2006 permission: 10/00851/EXT, 11/00837/CONDIT, 14/00572/CONDIT, 14/0051/REM, 16/00963/NOMAT, 17/00095/NOMAT, 19/00988/DISCON, 21/00557/NMA, 21/01508/DISCON, and 23/00015/DISCON.

5. Publicity

5.1 No publicity is required, and none has been undertaken.

6. Consultation

6.1 No objections were raised by the Council's Affordable Housing Officer. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 21: National Forest

7.2 Site Allocations and Development Management Policies Development Plan Document ('SADMP') (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding

- Policy DM8: Safeguarding Open Space, Sport, and Recreational Facilities
- Policy DM10: Development and Design

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')

7.4 Other Relevant Guidance:

- Open Space Assessment (2025)

8. Appraisal

8.1. As confirmed within the Delegated Officer Report for 25/00060/FUL, the site is identified within the Interlink County Park ('NAI133PP') area of public open space within the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP') and the Council's Open Space Assessment. However, there is no public access into the site, and, based on historical satellite imagery, the site has been separated and distinct from the wider area of public open space by established hedgerows and the remains of the former Nailstone Colliery for a minimum of 25 years.

8.2. As concluded at Paragraph 8.24 of the Delegated Officer Report for 25/00060/FUL, it is not considered that the application site represents public open space, nor that it has any physical or material association with the wider Interlink Country Park public open space site. Therefore, the Deed of Variation would not be considered to result in any material loss of land of open space in practice in these site-specific circumstances.

8.3. By virtue of these factors, it is considered that the proposed variations to the Unilateral Undertaking relating to planning permission 06/00980/OUT would be acceptable in these site-specific circumstances, and it is therefore recommended that the Deed of Variation is granted.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that the Deed of Variation to the Unilateral Undertaking relating to planning permission 06/00980/OUT is granted.

11. Recommendation

11.1 **Grant Deed of Variation to the Unilateral Undertaking relating to planning permission 06/00980/OUT.**