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COMMERCIAL PROPERTY ADVICE



SUPPORTING PLANNING STATEMENT

On behalf of Barberry Bardon Limited

Land at Wiggs Farm, Station Road, Bardon

Full Planning Application for the Erection of a B8 Distribution Hub with Ancillary Offices, Quality Control Office and Canopy, Maintenance Units, and Gatehouse, and Associated Infrastructure and Landscaping

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LAND AT WIGGS FARM, STATION ROAD, BARDON

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1.0 INTRODUCTION

- 1.1 Harris Lamb Planning Consultancy has been instructed by Barberry Bardon Limited (“**the Applicant**”) to prepare this full planning application for the erection of a B8 distribution hub with ancillary offices, quality control office and canopy, maintenance units, and gatehouse, and associated infrastructure and landscaping (“**the Proposal**”) at land at Wiggs Farm, Station Road, Bardon (“**the Site**”).
- 1.2 The distribution hub is proposed to provide a new home for Pall-Ex Group. Pall-Ex Group is one of the UK’s leading palletised freight distribution networks. It forms the largest overall collection of members within the UK. Pall-Ex Group distributes thousands of consignments every day, through its 130+ network of shareholder members, from a range of industries around the UK and throughout the globe.
- 1.3 Over the past few years, the Pall-Ex Group has experienced a period of substantial growth and the company has ambitions to develop and grow significantly.
- 1.4 Pall-Ex Groups main hub is located to the north east of the Site, on the opposite side of the junction of Wood Road and Station Road. They have outgrown the existing hub and it is not fit for their future (in addition to the existing hub not being designed to meet the unique operational requirements of Pall-Ex which reduces their efficiency, the larger scale of the Proposal would increase the number of crates they can process from 9,000 to 27,000 a day).
- 1.5 Pall-Ex have been searching for a new home for 4 years. An extensive search, assisted by the industrial agency team at Harris Lamb, was repeatedly hampered because of their unique operational requirements that made them uncompetitive in the open market (i.e. the operational requirements of Pall-Ex mean that the ratio of floor space to external circulation areas is relatively low which mean they cannot pay as much for a site). This led to the Site being identified to deliver a design and build in conjunction with the Applicant.

1.6 Delivering the new hub for Pall-Ex will deliver a number of economic benefits for the local / regional economy, including:

- Generate 400-500 operational jobs;
- 405 to 540 temporary construction-related jobs annually throughout the construction timeframe;
- A £60-70m build programme, which will secure jobs and spend in the supply chain.
- Training opportunities through the construction phase;
- Training opportunities through the operational phase;
- The charitable exploits undertaken by Pall-Ex in the local community; and
- The Proposal will move Pall-Ex's hub across administrative boundaries into Hinckley and Bosworth, creating a large rates receipt.

1.7 In addition to this Planning Statement, the submitted outline planning application includes the following supporting information to demonstrate the deliverability of the Scheme:

- Environmental Statement:
 - Traffic and Transport
 - Air Quality
 - Noise and Vibration
 - Landscape and Visual
 - Biodiversity
 - Water Environment
 - Ground Conditions
 - Socio-Economic
 - Historic Environment
- Existing and proposed plans
- Design and Access Statement
- Socio Economic Statement
- Statement of Community Involvement

- Tree Survey, Tree Protection Plan and Arboricultural Impact Assessment
- National Forest Statement
- Green Infrastructure Strategy
- Archaeological Desk Based Assessment
- Biodiversity Net Gain Metric
- Sustainability Statement
- Employment and Training Strategy
- Construction Training Statement
- Operational Training Statement
- Lighting Strategy
- Agricultural land classification assessment

2.0 SITE LOCATION AND DESCRIPTION

2.1 The Site is approximately 14.64 ha in extent. It's predominate character is a large arable field with native hedgerows and narrow field margins. The exceptions to this are an access track that runs along the southern side of the arable field, a small copse of trees that juts into the northern side of the arable field and the route of the proposed access road to the east which loosely follows a clearing in the wooded area to the west.

2.2 The Site boundary is drawn tightly to the area needed to facilitate the development and does not include the tree belt along the western and northern edge of the field nor the small woodland to the east (other than the route needed for the access road).

2.3 The Site is situated to the south-southwest of an extensively developed employment area Bardon Hill which includes large B8 employment units, brick manufacturing plant, clay mineral extraction, process facilities solar PV farms and a main trailway line running between Leicester and Burton upon Trent (via Coalville). The village of Bagworth is located 1.4 km to the South.

- 2.4 The Site is not situated within, or adjoining, national or local statutory landscape designations, and is not situated within a locally designated special landscape area of high landscape value.
- 2.5 The Site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial/tidal flooding. The majority of the Site has a very low risk of surface water flooding with an annual probability of flooding of less than 1 in 1000 years (0.1 %). However, a small proportion of the Site has a low to high risk of surface water flooding with an annual probability of flooding of 1 in 1000 (0.1 %) to 1 in 30 (3.3 %) years.
- 2.6 The Site is Grade 3b agricultural land. There are no designated heritage assets within the Site. The Site is not situated within, or adjoining, national or local statutory landscape designations, and is not situated within a locally designated special landscape area of high landscape value.

3.0 PLANNING HISTORY AND PRE-APPLICATION ADVICE

- 3.1 There is no planning history relevant to the Proposal.

Pre-application advice

- 3.2 Pre-application advice was sought from the Council – ref. 24/10042/PREMAJ. A response was received on 18 July 2024.
- 3.3 The comments from Officers are split into 5 sections. Our comments are set out in **blue**:

Principle of Development

- 3.4 The pre-application response identifies Policy DM1, DM4 and DM20 of the SADMP as the policies relevant to considering the principle of Proposal on this Site. It identifies that the Site is adjacent to an existing employment site, which it confirms the category the Site falls into in Policy DM20 for the sequential assessment. **These policies are assessed in the Case for the**

Applicant section of this statement, and we agree that the Site is adjacent to an existing employment site.

3.5 The response sets out that to address the requirement of these policies the application should be supported by a Socio Economic Statement, Sequential Assessment, Local Employment Training Strategy, an Agricultural Land Assessment and a Landscape Visual Impact Assessment (although the LVIA is not specifically quoted in this section of the response).

These reports have been submitted. They demonstrate that the proposal would make a significant contribution to the local economy, that there are no sequentially preferable locations, that the site falls into Agricultural Land Classification 3b and does not constitute Best and Most Versatile Land and demonstrates the proposal would not have a significant impact on the character of the countryside.

3.6 The response also acknowledges the emerging employment allocation for the Site, but states this should be given very limited weight.

Whilst we acknowledge that reduced weight should be given to the emerging plan, our view is that this weight should be more than very limited. The identification of the Site as an allocation follows the Council's assessment of the Site which concluded this is an appropriate location for new employment development. It was also identified as an allocation in the context of the need for employment land identified through the Council's evidence base. We do acknowledge that further evidence on the need for logistic floor space is yet to be published, but we also understand that this is not going to undermine the need that led to the proposed allocation of this Site. Weight can still be given to this evidence base, which supports both the need for more logistic / employment floor space and this Site as a location to deliver it.

Scale and Layout

3.7 No specific concerns are identified to the layout, but it is requested that a clear rationale be provided to support the proposed design. **This has been provided in the submitted Design and Access Statement.**

3.8 The comments on the scale and design are caveat by the need to undertake an LVIA to understand the wider impacts of the proposed building. **The LVIA has been undertaken and concludes the proposed building would be well**

contained within the existing landscape and the proposed planting would further reinforce this. The only significant effects identified relate to 1 of the 17 viewpoints identified and for the impact of the proposed access when experience immediately adjacent on Station Road. Impacts of this nature are almost unavoidable for a new development of this scale and, if we turn this around, no residual significant effects were identified from the other 16 viewpoints and the other 5 nearby roads assessed.

Design and Landscape impacts

- 3.9 The response identifies that the site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. This countryside area consists of gently undulating farmland of LCA B: Charnwood Fridge and is within the National Forest. The site is just to the west of the Charnwood Forest boundary, which ends just to the east of the existing Pallex Site. This section of the report requests an iterative selection of materials within the DAS, along with some guidance on what these materials should be. [We agree the site is designated within the countryside, but we also note that current extent of the urban areas is only proposed to guide development up until March 2026. This development will be delivered after the end of the plan period, and the extent of the countryside will need to change if the current/future development needs are going to be met.](#) Consequently, it considered that the adopted plan is out-of-date in this regard and applications proposed within it considered accordingly. Details of the impact on the landscape character and the materials selection are provided in the LVIA and DAS respectively.
- 3.10 National Forest planting is identified and it is explained that if this cannot be provided on site then a financial contribution will be required through a s.106 agreement. [A National Forest Strategy has been prepared, which sets out the approach to delivering National Forest planting on site where possible and that the remainder will be delivered through offsite contributions.](#)
- 3.11 Guidance is also provided in relation to content of the LVIA. [This guidance has subsequently been fleshed out through the production of the proposed methodology which has been agreed with the Council's independent landscape consultant – Node.](#)
- 3.12 The response concludes that “the introduction of substantial built form into the open countryside that is currently absent from buildings of a similar scale, in the majority of views, would have some adverse impacts upon the rural landscape character of the area. These impacts need to be fully analysed in

the documentation submitted with any planning application so that the proposal can be assessed and balanced against the economic and other benefits of the scheme, the relevant policies in the Development Plan listed above and guidance in the NPPF". This assessment has been undertaken, and it has been concluded that, overall, the impact on the countryside is not significant and the proposal accords with Policy DM4. This notwithstanding, even if an alternative view was taken by the Council, the economic and other benefits of the delivering the scheme would clearly outweigh the harm.

Impact on residential amenity

3.13 Policies DM7 and DM10 are identified, along with the Good Design Guide SPD. Noise is the main potential issue that is identified as needing assessment. In addition to a Noise Assessment, the response from the Environmental Health Officer also requests the submission of an Air Quality Assessment, Lighting Assessment and Ground Investigation. These assessments have been prepared and submitted. Mitigation measures ensure noise and lighting would not have an unacceptable impact. It has been concluded that air quality will remain at acceptable levels and no contamination has been identified.

Highways

3.14 Advice is provided by LCC as the Highway Authority. This is separate from the initial highway pre-application advice received directly from LCC. These matters are addressed in the Transport Assessment which concludes that a safe and efficient access would be provided for vehicles and pedestrians, and the proposal would not have any significant impacts on the safe and efficient operation of the surrounding highway network.

3.15 Separate from the comments from LCC as the Highway Authority, the planning officer raises the potential concern with a single point of vehicle access to the Site. This potential concern is acknowledged; however, we would point officers to the comments of their highway colleagues and our submitted Transport Assessment, within which, no concern is identified with the provision of a single point of access.

Other matters

3.16 The pre-application also includes consultation responses in relation to:

- Drainage and flood risk – See FRA and Drainage Strategy.
- Ecology – A PEA and assessment of BNG has been submitted with this application.
- Archaeology – A DBA has been prepared, and it has been agreed with the County Archaeologist that further investigations can be secured by condition
- Consultation and Engagement – See Statement of Community Involvement
- Section 106 Agreement – identifies potential obligations that require further consideration. Two training strategies have been provided to cover the construction and operational phase of the Proposal.
- Coal Authority – The site is in an area of low risk – No action required
- Policy liaison – Addressed through the provision of a CCTV strategy and Lighting Strategy

4.0 THE PROPOSED SCHEME

- 4.1 Full planning permission is sought for the erection of a B8 Distribution Hub with Ancillary Offices, Quality Control Office and Canopy, Maintenance Units, and Gatehouse, and Associated Infrastructure and Landscaping (the Proposal). The Applicant is aiming to achieve BREEAM 'Excellent', demonstrating the sustainability of the project.
- 4.2 The Proposal has been designed in collaboration with the end user, Pall-Ex. The nature of Pall-Ex's operation is that they have very specific requirements and designing the scheme with them ensures that this bespoke facility makes an efficient use of the site area, whilst allowing the business to run efficiently and successfully.
- 4.3 The fundamental principle behind the site layout is the requirement for HGV's laden with palletised freight to be processed as quickly and efficiently as possible. A key component of this was designing a scheme that facilitated HGV's driving directly through the centre of the building.
- 4.4 As they progress through the building, forklift operations unload the vehicles, distribute and organising the arriving good, which are then stored then loaded

onto waiting HGV's located around the periphery of the warehouse, for their onward distribution throughout the UK. This operational need drives the warehouse plan form, whilst also dictating the surrounding doors and yards areas to the long eaves elevations.

- 4.5 Arriving vehicles begin by pulling clear of the public highway and waiting on the access road. They will then start a one-way journey around the building with multiple queuing and parking areas available around the site. Vehicles drive into the building to be unloaded and then use the side doors to load before completing their journey around the site and leaving the site through the access road.
- 4.6 The hub includes provision for:
 - 68 Level Access Doors
 - 2 Dock Doors
 - 4 Main Entrance / Exit Vehicle Doors
 - 201 No. Car Parking Bays
 - 156 HGV Parking Bays
 - 49 No. EVC Bays incl 13 Accessible EVC Bays
 - 48 No. Cycle Space
 - 6 No. Motorcycle Bays
- 4.7 Staff car parks and the offices are located at the site entrance on the north eastern side to reduce the overlap of commercial and personal vehicles and to ensure non yard staff are kept separate from the operational areas.
- 4.8 Adequate space is provided around the building for the necessary vehicle manoeuvres. The sizes of these areas are determined by the dimensions of contemporary articulated vehicles and their turning circles with appropriate service yards provided.
- 4.9 The roof of the warehouse will have capacity to receive solar panels to support with the aspiration to attain BREEAM excellent for the Site.

4.10 A 3 metre acoustic fence is proposed along the southern side of the access road and around parts of the main body of the site. A level plateau will be created for the Proposal. This will require changes to the levels and the excess topsoil will be used in the landscaping areas.

4.11 The provision of green infrastructure is an integral part of the Proposed Development and are primary mitigation measures to minimise the impact of the Proposed Development on landscape character and visual amenity. The green infrastructure proposals have included the following principles.

4.12 Contribution to the wider green infrastructure network and connections through the Site by retaining hedgerows and optimising the retention of Clay Quarry Wood by using open rides through the woodland to minimise loss of woodland. Maintain hedgerows and woodland to maintain connectivity to wider areas of habitat such as Bagworth Heath Wood Country Park and extensive woodland found at Grange Wood and Common Hill Wood, all situated locally to the Site.

4.13 The creation of new habitats on site as far as practicable to provide mitigation for the loss and disruption of vegetation and habitats as a consequence of the built development. New habitats within the green infrastructure framework include:

- woodland/scrub planting;
- individual native trees;
- species rich hedgerows;
- mixed grassland habitats, e.g. species rich grassland, meadow grassland and amenity grassland; and
- creation of wetland features (SUDs attenuation ponds).

4.14 Through the planning process, measures will be put in place with regard to the on-going management of the on-site green infrastructure through the Biodiversity Gain Condition.

4.15 Surface water precipitated on to the building's roof and concrete service yards shall be collected in underground pipework and attenuated into below ground storage crates and above ground basins. The above ground basins will naturally filter the water prior to being discharged under a restricted flow.

4.16 Service yard drainage will pass through a suitably sized petrol interceptor prior to being discharged into the attenuation system described above. All car parking areas shall be drained through permeable tarmacadam to filter out impurities which is a recognised SUDs system. Drainage to soft landscape areas will use suitably sized filter drains which will discharge to catch pits prior to being released into the open storage basins. Filter drains will be positioned in relation to the designed planting scheme.

5.0 RELEVANT PLANNING POLICY CONSIDERATIONS

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ("NPPF") being an important material consideration. All components of the Development Plan were published before the NPPF and in accordance with Paragraph 232 of the NPPF weight should be given to the policies in these documents in accordance with their degree of consistency with the NPPF.

Local Development Plan

5.2 For the purposes of determining this application, the Development Plan consists of:

- Core Strategy – December 2009; and
- Site Allocations and Development Management Policies DPD⁶ (SADMP)

5.3 The Local Development Plan covers the period 2006-2026. The plan period only has less than a year to run, and the strategy and policies established within it were not designed to meet the development needs after this period. The Proposal will not be delivered until after the plan period expires and consequently will be meeting the development needs beyond the existing plan period. The policies in the adopted plan need to be read accordingly and the degrees of weight given to the policies will correlate with their consistency with the policies in the NPPF.

5.4 Policies DM1, DM4 and DM20 of the SADMP are relevant to the principle of development. Policy DM1 reflects the presumption in favour of sustainable development as presented in the NPPF at that time. The wording of the presumption has been amended and Policy DM1 should be read in the context of the latest version of the NPPF.

5.5 Policy DM20 seeks to direct employment development to the sites within settlement boundaries and/or previously developed land in the first instance, but it does not exclude the delivery of employment proposals on greenfield sites outside of the settlement boundaries, subject to meeting the criteria within it. Similarly, Policy DM20 supports the development of proposals that will significantly contribute to economic growth and job creation, subject to meeting the criteria in it.

5.6 In meeting the terms of Policy DM4 and DM20 the Proposal would be acceptable in principle. By contrast, the weight to be given to any potential conflict should be reduced to take account of the age of the policies and the fact that the existing settlement boundaries were only intended to guide development until 2026. Consequently, there are currently no policies in place to guide development which will be completed after March 2026, which is when the proposed employment scheme will be completed, and assist in meeting the current development needs, which are different to those used to inform the extent of the existing settlement boundaries and allocations in the adopted plan.

5.7 Other policies relevant to the Proposal are listed below. Where appropriate, the detail of these policies is provided in the relevant chapters of this ES.

Core Strategy

- Policy 21 – National Forest.

SADMP

- DM1 – Presumption in Favour of Sustainable Development;
- DM3 – Infrastructure and Delivery;
- DM4 – Safeguarding the Countryside and Settlement Separation;
- DM6 - Enhancement of Biodiversity and Geological Interest;
- DM7 Preventing Pollution and Flooding;
- DM10 Development and Design;
- DM11 Protecting and Enhancing the Historic Environment;
- DM17 Highways and Transportation;
- DM18 Vehicle Parking Standards; and
- DM20 Provision of Employment Sites.

OTHER MATERIAL CONSIDERATIONS

Emerging Local Plan

5.8 HBBC are in the process of reviewing their local development plan. The Regulation 18 consultation was held between July and September 2024, and it is understood that the Council are currently reviewing the implications of the changes to national policy which came into force in December 2024 on the emerging plan.

5.9 Whilst the emerging plan currently holds limited weight owing to its relative early stage in production, it is relevant to note that the Site has been identified as a draft employment allocation with the potential of meeting the strategic B8 requirements. It is also relevant to note that the emerging plan is the only document that tells us what the Council think the development needs are beyond 2026 and where these should be met.

National Planning Policy Framework

5.10 Paragraph 2 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.11 Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. It explains that in the context of decision taking, this means:

- approving proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

5.12 Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

5.13 Paragraph 88 of the NPPF states that planning should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

5.14 Paragraph 174 of the NPPF states that planning decisions should protect valued landscapes and recognise the intrinsic character and beauty of the countryside.

5.15 The following chapters of the NPPF which are also relevant to the Proposed Development include:

- Chapter 9 – Promoting Sustainable Transport;
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving well-designed places;
- Chapter 14 – Meeting the challenges of climate change, flooding and coastal change;
- Chapter 15 – Conserving and enhancing the Natural Environment; and
- Chapter 16 – Conserving and enhancing the Historic Environment.

Employment Land Review (2024)

5.16 The Hinckley and Bosworth Borough Council published their Employment Land Review in 2024. The review assesses the supply, demand, and future needs for employment land in Hinckley & Bosworth to support economic growth and planning decisions. It provides an evidence base for the Local Plan, identifying key employment sites, infrastructure needs, and strategies to attract investment and create jobs.

Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change Leicester and Leicestershire Authorities Final Report April 2021 (amended March 2022)

5.17 This report was commissioned by a consortium comprising Blaby, Charnwood, Harborough, Hinckley & Bosworth, Melton, North West Leicestershire, Leicester City, Leicestershire County Council, Oadby & Wigston and the Leicester and Leicestershire Local Enterprise Partnership, to undertake the study 'Warehousing and Logistics in Leicester & Leicestershire: Planning and Managing Change / Growth'.

5.18 The report sets out that the most critical component of the study was to recommend a future volume of warehouse floorspace and area of land required to accommodate it that should be planned for from 2020 to 2041. In doing so it is recommended that the authorities plan for around 2,570,000 sqm of additional floorspace to 2041.

5.19 The report then recommended that 43% of this floor space is to meet future needs at rail served sites and 57% at non-rail sites. With regard to non-rail sites, it is concluded that the net requirement when existing supply is accounted for is 392,000 sqm.

6.0 CASE FOR THE SCHEME

6.1 Following our review of the nature of the Scheme, the Site and surroundings and the relevant Development Plan policies, we now set out the case for the Scheme.

6.2 In accordance with Section 38(6) of the Planning Compulsory Purchase Act 2004 planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Principle of development

6.3 In the Hinckley and Bosworth Development Plan, Policies DM1, DM4 and DM20 of SADMP are relevant to considering the principle of development.

6.4 Policy DM1 sets out the presumption in favour of sustainable development. The most recent version of the NPPF sets out the latest wording for the presumption as set in Paragraph 11. It states for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

6.5 In our view, the Proposal complies with the adopted development plan. At the same time, however, we consider that the most relevant policies (i.e. DM4 and DM20) are out-of-date. The reason for this is that the Local Plan expires in March 2026. It was only ever intended to guide development until March 2026 and not Proposals such as this that will not be delivered until after March 2026, which will be meeting a different need.

6.6 The extent of the existing countryside will need to change if the development needs beyond the plan period are going to be met (i.e. land currently in the countryside will need to be released for development). This is evident from the emerging local plan which seeks to release countryside to meet the needs identified, which includes the identification of the Site as an employment allocation. This does not mean that the objective to protect the intrinsic value, beauty, open character and landscape character of the countryside is out of

date, but it does mean that what is defined as countryside in the adopted plan is now out of date.

- 6.7 Policy DM20 is also out of date. Not because directing new employments sites to settlements and previously developed sites is out of kilter with current national policy. Instead, because the settlement boundaries referenced were defined based on the development needs identified in the Core Strategy and do not relate to the current development needs.
- 6.8 This does not mean that we do not consider the compliance of the proposal with the development plan and that accordance with it should not weigh in favour of the grant of permission, but it does mean that reduced weight should be given to any conflict with Policies DM4 and DM20.
- 6.9 Separate to the provisions of the development, this also means that the Proposal needs to be considered in the context of Paragraph 11) d). Paragraph 11) d) includes two parts. Regarding the first, none of the specific policies in the NPPF that protect areas or asset of particular importance provide a strong reason to refuse this application. Regarding the second, this is known as the 'tilted balance' and means that planning permission should be approved unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. We come back to the 'tilted balance' later in this statement.

Compliance with the development plan

- 6.10 The above notwithstanding, when considering if the Proposal accords with the development plan, Policy DM4 does support certain types of development within the existing countryside. This include where the proposal would "significantly contribute to economic growth, job creation and/or diversification of the rural business. In this instance the Proposal would make a significant contribution to economic growth and job creation. This is evidenced in the Socio-Economic Statement and Chapter in the Environment Statement, but in summary the Proposal would:

- Facilitate the expansion of a growing local business;
- Secure the retention of Pall-Ex in the local area;
- Generate 400-500 additional jobs;
- 405 to 540 temporary construction-related jobs annually throughout the construction timeframe;
- Generate £25-35m GVA
- Secure a £60-70m build programme, which will generate jobs and spend in the supply chain through the construction phase;
- Generate Training opportunities through the construction phase;
- Generate Training opportunities through the operational phase;
- Retain the charitable exploits undertaken by Pall-Ex in the local community; and
- Result in the relocation of Pall-Ex's hub across administrative boundaries into Hinckley and Bosworth, creating a large rates receipt for the Council.

6.11 Policy DM4 also requires such proposals to meet the following criteria, which we consider in turn:

i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

It is not considered that the proposal would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside

An LVIA has been prepared, and a landscape chapter is included in the Environmental Statement. The Site for the Proposed Development is not situated within a National Landscape or within a locally designated landscape, and through the undertaking of the assessment, the Site is not considered to be a Valued Landscape.

The proposal would bed well into the landscape due to the topography and existing and proposed landscaping, and through its site selection, is afforded inherent mitigation which is of benefit to the building out of the Proposed Development, and during its initial operation whilst proposed landscape mitigation measures establish and mature.

The assessment undertaken does not identify a significant residual effect on landscape character.

Moderate adverse, residual, significant effects are identified at Viewpoint Point 5 (next to the site on Wood Road) and from the stretch of Station Road from the junction of B585 (Wood) and Station Road running to Bagworth closest to the proposed access. However, no other residual significant effects are identified at the other 16 viewpoints or the other roads assessed. What this shows is that significant effects are limited to two points immediately adjacent to the Site. As soon as one moves away from being adjacent to the Site, the effect would reduce and not be significant.

Some form of significant visual effect immediately adjacent to a Site is commonplace when developing a greenfield site. These impacts alone should not lead to a conflict with a policy that is designed to allow some forms of development in the countryside and only limit it where overall the impact is significant.

The visual impacts are concentrated to the immediate surrounding of the Site. It is judged through the assessment, that the Proposed Development would lead to only a localised effect rather than being wide ranging in geographical extent. The effects on the wider landscape resources are not considered to be detrimental and harmful to landscape character, or the visual amenity of the countryside, and as such the wider effects of the scheme are considered to be relatively benign.

Overall, the Proposal would be well contained and the impact on the intrinsic value, beauty and open character of the countryside is not considered significant.

ii) It does not undermine the physical and perceived separation and open character between settlements; and

The proposal would not undermine the separation between settlements. Bagworth and Bardin Hill/Coalville will still be seen as two distinct settlements. This is supported by the fact that this was not a concern raised in the pre-application response and no such concerns have been raised in the LVIA.

iii) It does not create or exacerbate ribbon development; with Core Strategy Policies 6 and 9; and

The Proposal would evidently not create a ribbon development. It is not linear in nature and would not link with other developments to form a linear run of development.

iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and

The Proposal is not in a Green Wedge.

v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

The National Forest Strategy submitted with this application demonstrates that National Forest planting will be delivered in accordance with the requirements of CS Policy 21, through on-site planting and off-site contributions.

6.12 Overall, it is considered that the proposal accords with the provisions of Policy DM4.

6.13 The findings of our detailed assessment notwithstanding, we note that the pre-application response from the Council suggests potential conflict with criterion (i). It might be the case that on review of the submissions, Officers consider this potential concern has been addressed. However, if the concern remains there are two important points to be considered:

- The adopted countryside boundaries will need to be reconsidered if the current development needs are going to be met. The emerging local plan gives us an insight into what this means and includes the release of the Site to help meet the employment needs identified. The weight to be given to this conflict with DM4(i) should be reduced accordingly. In our view, only limited weight should be given to such a conflict.
- There are no sites in the existing urban area to for the Proposal. Moving it to another greenfield site is going to result with at least the same level of impact on the countryside and most likely a higher degree of impact. The Site is well contained and provides a high level of natural screening. Other sites are likely to be more exposed and moving the Proposal to one of these is not going to stop the harm from occurring. If anything, it would make it worse. Again, this supports the conclusion that only limited weight should be given to any perceived conflict with criterion (i).

6.14 Policy DM20 sets out a sequential approach to the consideration of new employment sites. A Sequential Assessment has been undertaken and submitted with this application. This confirms that there are no sequentially preferable locations, and that the proposal accords with Policy DM20.

6.15 Perhaps the key things to note from the Sequential Assessment, which is supported by the findings of our industrial agency colleague who undertook the original site search for Pall-Ex group, is that Pall-Ex groups unique operational requirements make them uncompetitive in the open market. The reason being is that they need allot more external area relative to the internal

area compared to you average B8 operator. The value of a site is dictated by the amount of internal floor space generated and so when a site comes to the market that is already geared up for employment development, Pall-Ex were/are not able to compete with other operators looking for the same size sites, because the other operator will be developing allot more floor area.

6.16 In summary, it is considered that the Proposal complies with the provisions of the Policies DM1, DM4 and DM20. It is also consider that the policies most important to determining the application are out-of-date and the tilted balance is engaged. We come back to the tilted balance at the end of this report.

Environmental Impact Assessment

6.17 The Environmental Statement submitted with these applications has been prepared in accordance with the Scoping Opinions received from HBBC and includes the following chapters:

- Traffic and Transport
- Air Quality
- Noise and Vibration
- Landscape and Visual
- Biodiversity
- Water Environment
- Ground Conditions
- Socio-Economic
- Historic Enviroment

6.18 Landscape and Visual and Socio-Economic have already been considered above in our assessment of the principle of development. The detail of the remaining chapters is set out in the Environment Statement. In brief, the following conclusions are reached:

- **Traffic and Transport** – The Transport Assessment considers the impacts and appropriateness of the development in line with the wider

policy tests set out in the NPPF. The additional traffic would not have a material impact on the safety or operation of the local road network, and it can clearly be concluded that the impact of the development will not be 'severe' and the proposal accords with Policies DM17 and DM18 of the SADMP.

- **Air Quality** – When considered in conjunction with cumulative developments, when the Site is completed and becomes operational, there will be an increase in road traffic on nearby roads. Modelled human receptors near the impacted roads are projected to comply with the national annual standards and for the first Operational year (2030). The increases in concentrations of the key pollutants are deemed likely to be, at worst moderate (adverse) and not significant and no mitigation is necessary. The residual effects for the completed development would likely be not significant
- **Noise and Vibration** - In terms of residual effects, with suitable additional mitigation measures in place, for the majority of the time it is anticipated that any adverse construction noise and vibration effect will be of minor or negligible significance. During the operational phase, with suitable additional mitigation measures in place, noise impacts associated with the Proposed Development will be of slight to moderate adverse significance.
- **Water Environment** – No significant effects were identified in relation to flooding, drainage or water quality subject to the appropriate mitigation. Mitigation is embedded into the design of the Proposed Scheme and has evolved through the ongoing discussions with the relevant statutory bodies and the proposal accords with Policy DM7 of the SADMP.
- **Biodiversity** - No likely significant effects greater than a Local Level are anticipated to arise from the Proposed Development. It is anticipated that impacts to species and habitats identified can be mitigated and enhanced, including the delivery of 10% Biodiversity Net Gain. This can be secured through appropriately worded planning conditions. On this basis, it is concluded that there would be no

adverse significant effects arising from the Proposed Scheme under the EIA Regulations.

- **Ground Conditions** – There are no significant effects at the operational stage and mitigation measures, including a CEMP, are proposed during the construction phase. The development would not result in any significant residual adverse impacts on ground conditions and the proposal accords with Policy DM7 of the SADMP.
- **Historic Environment** - The construction phase of the Proposed Development would result in the total removal of any archaeological remains present within the footprint of the groundworks required. It is considered that this would be a high impact on remains of low sensitivity resulting in a moderate adverse effect which is significant in EIA terms without mitigation. It is proposed that mitigation measures, comprising an agreed programme of archaeological work, would reduce the level of effect to minor adverse which is not significant under the EIA Regulations and could be secured via planning condition. No significant effects have been identified through the operational stage and the proposal accords with Policy DM11 of the SADMP.

Other considerations

6.19 Separate to the chapters required in the Environment Statement, the following supporting documents were considered necessary to support the applications for the Proposed Scheme:

- Landscape Strategy
- Tree Report
- Design and Access Statement
- Biodiversity Hierarchy
- Compliance with Policy DM6 of the SADMP
- National Forest Planting
- Lighting

6.20 A summary of the conclusions reach in the other assessments is set out below.

- **Tree** – the AIA identifies how many trees would be lost because of the Proposed Scheme. Measures for tree protection during construction are set out and the Landscape Strategy sets out replacement tree planting.
- **Landscape Strategy** – the Landscape Strategy demonstrates how the Proposed Scheme will assimilate into the surround landscape as far as reasonably possible and demonstrates that the requirements relevant to the location of the Site in the National Forest have been met in accordance with Policy DM10 of the SADMP.
- **Biodiversity Hierarchy** – The Biodiversity Hierarchy is split into two parts.
 - The first relates to avoiding medium, high and very high distinctive habitats where possible and, if they cannot be avoided, the mitigation of those effects. The Site was chosen because it is an arable field, and it largely avoids medium, high and very distinctive habitats. In practice, finding a field of the perfect size and shape to meet the unique needs of Pall-Ex is not realistic, and in this instance, a small area of trees on the northern side of the site and a linear route through the woodland to east are proposed to be removed to facilitate the development. These areas are high distinctiveness habitats and the impact on these has been reduced as far as possible. The loss of trees on the northern side of the site is limited to the area that protrudes south of the tree belt and into the field, whilst the access route through the woodland to the east follows an existing clearing and the redline has been drawn tight to the proposed road. The loss of these areas of high distinctiveness habitat is unavoidable to meet Pall-Ex's unique needs and will be mitigated.
 - The second relates to where mitigation will take place. The redline has been drawn tight to the net area of the proposed

development. Planting is proposed on Site as far as practically possible to maximise the amount of replacement units delivered on Site. However, to meet 10% BNG, offsite contributions will be required. Discussions are ongoing with the Council over contributions toward Burbridge Common and contributions to this can be secured through the s.106 agreement.

- **Compliance with Policy DM6** – Whilst no significant Biodiversity impacts are identified in the Environmental Statement, a moderate adverse effect is identified on the Oakley Woodland SSSI. The wording of Policy DM6 is such that proposals that have any impact on a SSSI need to be considered against the criteria within it. These are considered in turn below and we consider that these criteria have been met and the Proposal accords with Policy DM6.

A suitable alternative site with a lesser impact than that proposed

There are no suitable sites with a lesser impact. The SSSI in question is adjoins the M1. The impact on it comes from the increased concentration of ammonia arising from the additional HGV/vehicle movements arising from the proposed development. Wherever the new distribution hub is located within this area, the HGV/vehicle movements associated with it will travel up and down the M1. The strategic road network in this location is one of the reasons it is known as the Golden Triangle and HGVs are going to use these regards regardless of the location of the Site within the Borough/County.

The on-site benefits of the proposal clearly outweigh the impacts on the notified features of the site and where applicable, the overall SSSI or habitat network; and

It is predicted that the increased level of ammonia would effect 0.22 hectares of Oakley Woodland SSSI, which equates to 0.45% of the

SSSi. At present, the impact on the intervening planting has not been accounted for and so it could be less than this.

The weight to be given to this adverse impact needs to factor in the extent of the impact and in this instance the impact on limited to a very small proportion of the woodland.

When this harm is balance against the social and economic benefits arising from the scheme as summarised in Paragraph 6.10 above, it is clear that the benefits arising from the proposal would outweigh the impact on this woodland.

All appropriate mitigation measures have been addressed through the development management process

The level of harm identified is the residual effect. If the residual negative effect had not been identified, then there would be no reason to consider the Proposal against this criterion.

Additional forms of mitigation have been considered, but the proximity of the SSSi to M1, combined with the intervening vegetation that already exists means that the impact cannot be reduced further.

Development likely to result in a significant effect on internationally designated sites will be subject to assessment under the Habitats Regulations and will not be permitted unless adverse effects can be fully avoided, mitigated and/or compensated

The Proposal does not impact on an internationally designated site.

- **Design** – The Design and Access Statement sets out the design approach. It explains how the approach has been to meet the unique operational requirements of the Pall-Ex, whilst minimising the impact

of the proposal on the surrounding area. The result being a development that accords with Policy DM10 of the SADMP.

- **National Forest Planting** – The National Forest Strategy has been prepared. This sets out the planting that can be achieved on site and proposes that the remaining planting is secured through a planning obligation, which accords with the provisions of Policy 21 of the Core Strategy.
- **Lighting** – the lighting strategy demonstrates that an appropriate scheme can be forthcoming whilst recognising the location and sensitivities relevant to it in accordance with Policy DM10 of the SADMP.

Planning Obligations

6.21 The pre-application response sets out matters that could be subject to planning obligations. We set out what these were below, along with our comments:

- Highways – The Transport Assessment does not identify the need for any offsite junction improvements. The wider pre-application discussions have identified a potential contribution toward the Coalville Transport Study. A recent example had a contribution of £53,083 per hectare of floorspace. The proposed distribution hub is 32,196 sqm (3.22 hectares). $3.22 \times £53,083 = £170,927.26$
- Public transport – No contributions to public transport have been identified through the pre-application process.
- Biodiversity Net Gain – to achieve 10% BNG, offsite provision will be required. The submitted matrix confirms the onsite position and what will need to be provided offsite. Discussions are ongoing with the Hinckley and Bosworth over the provision of these units on Bardon Common, but on the face it this site should provide the type and number of units needed.

- National Forest Planting – To deliver the net requirement once on site planting has been accounted for. 0.44 hectares has been proposed on site. The remainder will be secure through financial contributions.
- East of Nailstone Country Park – The pre-application response states that additional parking facilities for visitors to Nailstone Country Park as well as improved access to Nailstone Country Park would also be requested. However, no further detail has been provided, and it is not clear what the link is between the Proposal and the Nailstone Country Park. We would, therefore, question whether such a contribution would meet the statutory tests in CIL Reg.122.
- Local Employment and Training Strategy – We note that on similar proposals, training schemes have been secured by condition. In this instance, training schemes have been submitted with the planning application, which avoids the need for a condition or their inclusion in the s.106 agreement.

Compliance with the Development Plan

6.22 When considered as a whole, it is considered that the proposal accords with the Development Plan. The plan allows for new employment developments outside of the defined settlement boundaries and the Proposal meets the criteria for such a proposal.

6.23 Inevitably, a proposal of this scale and nature will have the potential to have adverse impacts, but mitigation has been proposed that either addresses these impacts or reduces them as far as reasonably possible to comply with the relevant policy provisions.

6.24 It is considered that the proposal complies with the provisions of the Development Plan.

Benefits

6.25 The Proposed Scheme delivers a number of benefits, which support the delivery of this bespoke distribution hub for this local company. These include:

- Delivering an emerging allocation which is need to meet the development needs beyond the existing plan period which expires in March 2026;
- Facilitate the expansion of a growing local business;
- Secure the retention of Pall-Ex in the local area, along with the 270 jobs it currently creates;
- Delivering a sustainable building that meets the BREEAM excellent standard;
- Generate an additional 210 additional jobs in the first instance, with scope to generate more jobs as the company continues to expand;
- Secure a £60-70m build programme, which will generate jobs and spend in the supply chain through the construction phase;
- Generate Training opportunities through the construction phase;
- Generate Training opportunities through the operational phase;
- Retain the charitable exploits undertaken by Pall-Ex in the local community; and
- Result in the relocation of Pall-Ex's hub across administrative boundaries into Hinckley and Bosworth, creating a large rates receipt for the Council.

Balance

6.26 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF being a material consideration which sets out that where the most important policies for determining a planning application are out-of-date, which is the case here, the 'tilted balance' is engaged. This requires a

balance of all aspects relevant to a Proposal and only if the adverse impacts significantly and demonstrably outweigh the benefits should permission be refused.

- 6.27 The Proposed Scheme has been demonstrated to comply with the Development Plan. No material considerations have been identified that indicate a decision should be made contrary to the development plan, but multiple benefits have been identified that would further support the grant of planning permission.
- 6.28 The presumption in favour of sustainable development applies and planning permission should be granted accordingly.

7.0 CONCLUSIONS

- 7.1 This Planning Statement has been prepared in support of a full planning application for the erection of a B8 distribution hub with ancillary offices, quality control office and canopy, maintenance units, and gatehouse, and associated infrastructure and landscaping at land at Wiggs Farm, Station Road, Bardon.
- 7.2 This Planning Statement has assessed the Proposed Scheme against the provisions of the Development Plan, and the application has also been submitted with an Environmental Statement to consider the potential environmental effects.
- 7.3 The Proposed Scheme will facilitate the expansion and continued growth of an important local business. Pall-Ex have been looking for a new home for four years and this Proposal will deliver them the bespoke facility they desperately need.
- 7.4 Pall-Ex have explored multiple options, but there is nothing available that meet their requirements. Part of the reason for this is that when sites of the right site area do come forward, they are either designed with too much floor

space and not enough circulation area, or Pall-Ex cannot compete, because other companies competing for the site can afford to pay more because they will deliver substantially more floor space on the site.

- 7.5 Whilst it has been identified that the plan is out-of-date because the Proposal will not be complete until after March 2026 (i.e. the date the adopted plan seeks to guide development to), the policies within it do allow for employment developments on greenfield sites in the countryside in the right circumstances. It has been shown that those circumstances apply here because the Proposal would make a significant contribution to economic development and job creation, whilst meeting the other criterion in Policy DM4. It has also been shown that there are no sequentially preferable locations to deliver this proposal in accordance with Policy DM20. An identified adverse impact has been identified in relation to Policy DM6, but it has been demonstrated the proposal accords with the relevant criteria in Policy DM6 in the regard.
- 7.6 The Proposed Scheme is considered to comply with the Development Plan when considered as a whole.
- 7.7 The compliance with the Development Plan notwithstanding, it has been identified that the most important policies within it relevant to the consideration of the Proposal within it are out-of-date. This engages Paragraph 11d) of the Framework. No conflict with Paragraph 11 d) i) and planning permission should be granted unless the benefits of doing so are significantly and demonstrably outweighed by the adverse impacts.
- 7.8 Overall, mitigation is proposed to address most of the potential adverse impacts identified. Where this is not possible, the impact has been reduced as far as reasonably possible. By contrast, a number of significant benefits have been identified that further support the grant of planning permission and these are summarised below:

Benefits	
	<ul style="list-style-type: none"> • Delivering an emerging allocation which is needed to meet the development needs beyond the existing plan period which expires in March 2026; • Facilitate the expansion of a growing local business; • Secure the retention of Pall-Ex in the local area; • Generate 400-500 jobs; • 405 to 540 temporary construction-related jobs annually throughout the construction timeframe; • Secure a £60-70m build programme, which will generate jobs and spend in the supply chain through the construction phase; • Generate Training opportunities through the construction phase; • Generate Training opportunities through the operational phase; • Retain the charitable exploits undertaken by Pall-Ex in the local community; and • Result in the relocation of Pall-Ex's hub across administrative boundaries into Hinckley and Bosworth, creating a large rates receipt for the Council.

7.9 The Scheme accords with the Development Plan, the presumption in favour of sustainable development applies and the adverse impacts of the Proposal would not significantly and demonstrably outweigh the benefits. We, therefore, respectfully request that planning permission be granted accordingly.

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