

**AVISON
YOUNG**

Planning Statement

Land at Ashford Road, Maidstone

February 2022

Contents

1.	Introduction	3
2.	Site Context	6
3.	Pre-application Engagement	10
4.	The Proposed Development	13
5.	Relevant Planning Policy	14
6.	Planning Assessment	21
7.	Planning Obligations & CIL	51
8.	Planning Balance and Conclusions.....	53

Appendices

Appendix I	MBC Pre-app Response
Appendix II	Extract of Savills LPR Evidence
Appendix III	AY The Value of Logistics Report
Appendix IV	B8 Development Precedent Decisions

Report title: Wates Developments

Prepared by: Matt Golisti / Elliott Kelly

Status: FINAL

Draft date: 2 February 2023

For and on behalf of Avison Young (UK) Limited

1. Introduction

1.1 This Planning Statement has been prepared on behalf of Wates Developments (the Applicant) to support an outline planning application for new storage and distribution development (Class B8 use) at Land at Ashford Road, Maidstone (the Site). It should be read in conjunction with the submitted Economic Needs Assessment (ENA), also prepared by Avison Young (AY).

1.2 The description of the proposed development is as follows:

“Application for outline planning permission for storage and distribution floorspace (Class B8 use), up to 116,120 sq.ft, with ancillary offices, associated car parking, HGV parking, landscaping and infrastructure. All matters reserved except for access.”

1.3 This planning application follows promotion of the site to the Maidstone Borough Local Plan Review (LPR) given the context of the approval of major scale employment development at the adjacent Woodcut Farm site. The proposal also reflects wider trends within the current market that has seen a significant increase in demand for storage and distribution development (both locally and nationally). A full justification for the proposed B8 development is provided in Chapter 6 of this Statement, based on evidence set out in the accompanying ENA.

1.4 This Planning Statement sets out the context for the planning application, the site’s planning history, and provides an assessment of the proposal against key planning policies and other material considerations. In summary, the proposed scheme has a number of significant social, economic and environmental benefits, and planning permission should be granted without delay for the following reasons:

- The proposed development will deliver significant economic benefits through provision of B8 floorspace to meet unprecedented growth in demand that outstrips supply, in a location suitable for sub-regional strategic logistics development;
- Provision of high-quality warehouse space to meet the demands of modern logistics occupiers in an area that is highly attractive to this growing sector given it exhibits all the locational requirements;
- The development seeks to protect and enhance the natural, built and historic environment including targeting BREEAM ‘Excellent’ with opportunities for solar PVs, green walls and Electric vehicle charging;
- The proposed development will deliver ecological benefits through on and off-site enhancements to achieve biodiversity net gain;

- Appropriate mitigation measures have been designed into the scheme to minimise landscape impacts;
- The NPPF explicitly supports the provision of B8 storage and distribution development in suitable, accessible locations to meet the specific needs of the business sector;
- Precedent has been set for the acceptability of B8 development at the site location through the neighbouring Woodcut Farm allocation (now under construction);
- The proposed development would deliver approximately 110-130 full time equivalent jobs, equating to an annual GVA of approximately £4.7million. It is expected that 90% of these employees would live locally. The development is also expected to generate approximately 30 indirect jobs locally and 50 indirect jobs in the wider area (eg supply chain positions).

1.5 The application is submitted in outline, with all matters reserved excluding access. As such the submission pack comprises:

Document

- Completed Application Forms and Certificates
- Agricultural Land Quality Report by Reading Agricultural Consultants;
- Air Quality Assessment by Ramboll;
- Composite Tree Survey, Arboricultural Implications Assessment, Proposed Tree Retention and Removal Plan, Tree Protection Plan and Arboricultural Method Statement by Flac
- Heritage Assessment by Orion
- Geophysical Survey Report by Sumo Geophysics Ltd
- Phase I Desk Study Report by Geo-Environmental
- Design and Access Statement by Scott Brownrigg
- Ecological Impact Assessment by SLR
- Biodiversity Net Gain Calculation by SLR
- Sustainability Statement by Ramboll
- Energy Strategy by Ramboll
- BREEAM Pre-assessment by Ramboll
- External Lighting Assessment by Ramboll
- Drainage Strategy by Ramboll

- Flood Risk Assessment by Ramboll
- Landscape and Visual Impact Assessment by Pegasus
- Mineral Assessment by IC Planning
- Noise Survey by Ramboll
- Planning Statement by Avison Young
- Employment Land and Economic Assessment Report by Avison Young
- Transport Assessment (Swept Path and additional Access Drawings Appended)
- Travel Plan

Drawings submitted for approval

- Site Location Plan at 1:500 by Jas Plan Services
- Site Location Plan at 1:1250 by Jas Plan Services
- ITB15323-G-001J – Proposed Site Access Arrangements

Illustrative Drawings

- Illustrative Masterplan (9512 SBR-ZZ-XX-DR-A-83100)
- P21-3546_06E Illustrative Landscape Masterplan [8]

Illustrative drawings appended to the DAS

- Proposed Ground Floor Plan;
- Proposed First Floor Plan;
- Proposed Roof Plan ;
- Proposed Ancillary Buildings Plans x3
- Proposed Elevations AA & BB East & West;
- Proposed Elevations CC & DD North & South ;
- Proposed Floor Plans ;
- Illustrative Sections
- Topographical Survey

2. Site Context

Site and Surroundings

- 2.1 The site comprises a roughly triangular parcel of greenfield land approximately 2.88ha in area, immediately to the southwest of M20 Junction 8, and approximately 6.5km to the east of Maidstone town centre. It is bounded by Musket Lane to the north, Ashford Lane (A20) to the south / west, and the approach roads to M20 Junction 8 to the east. A corridor of mature trees runs along the eastern boundary between the site and the junction approach road.
- 2.2 The wider area is rural in character, however the site is clearly enveloped by a significant amount of built infrastructure in the locality. Immediately to the east of the Site lies a major motorway junction which connects to a further major highway, the A20, both of which frame the Site. Planning permission has been granted for the Woodcut Farm employment development on the fields directly north of the site which is currently under construction. Further details of the Woodcut Farm development are provided from paragraph 2.9 of this Planning Statement. Immediately north of the Site and the M20 motorway is a motorway service area, known as Maidstone Services. Approximately 1km to the west of the Site lies a large golf course and country club, known as the Tudor Park Marriott Hotel. Approximately 400m to the southeast of the Site lies a further major hotel complex, the Mercure Maidstone Great Danes Hotel.
- 2.3 In terms of heritage assets, the site is approximately 800m from the closest boundaries of Leeds Castle and Registered Park and Garden (Grade II* Listed) and Hollingbourne village's Eyhorne Street Conservation Area (located on the opposite side of the M20). There are also 13 Grade II Listed Buildings within 1km of the site. The site itself has been subject to archaeological finds of low significance, as detailed in the submitted Heritage Assessment.
- 2.4 The site is not covered by any landscape designations, however it is approximately 600m (at its closest point) to the southwest of the Kent Downs AONB boundary, while Len Valley Landscape of Local Value is located on the opposite side of Ashford Road to the south. The 2021 Landscape Character Assessment prepared by Jacobs on behalf of Maidstone Borough Council (MBC) references the impact of the highways infrastructure of the site's setting stating:

"...the landscape is heavily influenced by the M20/HS1 corridor, and traffic is both visible and audible. The busy A20, Ashford Road, also dissects the area in an east west direction, increasing the impact of major infrastructure and fragmenting the landscape." (para. 49.20)

- 2.5 In terms of environmental designations, the site is within Flood Zone 1 (lowest flood risk classification) and within the Kent County Council (KCC) Minerals Safeguarding Area. There are no ecological designations within the site, however the River Len Millpond and Carr Local Wildlife Site is located 400m to the south-east, and the Snarkhurst Wood and Howe Court Wood Local Wildlife Site located to 600m to the north. An area of protected roadside verge is located south the M20 slip road to the south of the site.
- 2.6 In terms of sustainable travel connectivity, two train stations (Hollingbourne and Bearsted) are within a 10-minute cycle, and the nearest bus stop is approximately 5 minutes' walk served regularly by the 10X to/from Maidstone.

Logistics benefits

- 2.7 Being adjacent to M20 J8, the site is well located strategically for logistics use both nationally and internationally. The site has a reach as far as the East Midlands (within 270 minutes by HGV) and is within easy reach of Heathrow and Gatwick Airports via the M25. The Thames and Channel Sea ports and Eurotunnel are also easily accessible. It is estimated that approximately 21 million consumers are reachable within 3 hours via HGV. Further detail on the locational benefits of the site can be found at pp3-5 of the submitted ENA.
- 2.8 The site's strategic location is recognised within Policy EMP1 'employment site allocations' of the adopted local plan with reference to Woodcut Farm:

"There is a unique opportunity in the borough to provide a prestigious business park at Junction 8 of the M20 that is well connected to the motorway network and that can provide for a range of job needs up to 2031. The Woodcut Farm site will meet the 'qualitative' need for a new, well serviced and well connected mixed use business park in the borough which can meet the anticipated demand for new offices, small business orientated space, stand-alone industrial and manufacturing space built for specific end users and smaller scale distribution businesses."

Planning History

2.9 The table below sets out the planning history of the application site:

Reference	Description	Decision
07/2092*	Outline planning permission for the construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new railway sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity sub station, realignment of public rights of way and watercourses, drainage works and landscaping with access to be considered at this stage and all other matters reserved for future consideration	Refused and dismissed at appeal
07/0682*	Scoping opinion sought in respect of an environmental assessment to be submitted in relation to a proposed rail freight interchange with associated development.	EIA Development
82/0888	Change of use to recreational land, as amended by the applicant on 08/07/82, as validated on 08/07/82, and as further amended by letter dated 02/08/82	Refused

*Site comprised 107ha that included the application site plus neighbouring land parcels

Adjacent Woodcut Farm Allocation

2.10 Directly to the north and west of the site is the Woodcut Farm site allocation (Policy EMP1(4)). It comprises an employment allocation for up to 49,000m² of mixed employment floorspace – B1 (now class E), B2 and B8 with a designated landscaped area to its west. The adopted policy requires at least 10,000m² of B1a/B1b floorspace as a minimum.

2.11 The site has outline planning permission (ref. 17/502331/OUT) with reserved matters applications for phases 1 (20/505182/REM, 21/502637/REM) and 2 (21/506791) recently approved. The original outline permission was granted in July 2018 for 45,295m² of commercial floorspace (B1 (now E) and B8 uses). A number of S73 variation of condition applications have also been approved, for changes to the outline permission to revise the configuration of the height and size of development on the eastern and western sides of the site (ref 20/505195/OUT) and also commercial floor space provision (21/506790/OUT).

2.12 Within the Committee report for the original outline consent (ref. 17/502331/OUT), the landscape impact of the proposal was considered acceptable on balance. Regarding the impact on the AONB, the case officer concluded that due to the distances and/or the effect of intervening landform and vegetation, the proposed development was not considered to result in an unacceptable impact. In relation to more localised views from the A20, M20 and Old Mill Lane, the case officer outlined that

harm would arise, however appropriate mitigation could reduce this harm and when considered against the considerable economic benefits associated with the proposal was outweighed.

- 2.13 The approved development is now under construction and sets the precedent that employment development is acceptable in this location.

3. Pre-application Engagement

Maidstone Borough Council Pre-application Advice

3.1 A pre-application meeting was held on 4th March 2022 between the applicant team and Richard Timms (Planning Officer, Maidstone Borough Council) with written feedback provided on 16th March 2022. The main focus of the discussion was to discuss the principle of a single B8 unit at the application site.

3.2 The feedback was largely unsupportive of the proposals, with the key points as follows:

- The site is located in the “countryside” under policy SP17. No other Local Plan policies support new stand-alone employment development in a countryside location, therefore the proposal is contrary to the Development Plan.
- The site was promoted for employment use to the Local Plan Review, however the Council's view was that it is not required to meet future employment needs. This is despite a case being made for B8 demand in Maidstone Borough.
- The proposals were considered to cause significant harm to the local landscape and the setting of the Kent Downs AONB that could not be adequately mitigated by landscape screening.

3.3 A copy of the written feedback is enclosed at **Appendix 1**.

3.4 In response to the pre-application feedback received from MBC, Wates have sought to develop the design of the scheme, including a reduction in quantum of development and production of a robust landscape masterplan for the site.

EIA Screening

3.5 An EIA Screening Request was submitted to MBC in November 2022. The subsequent Screening Opinion concluded that the proposed development does not constitute EIA development.

Kent County Council Highways

3.6 Pre-application discussions have been undertaken with Kent County Council (KCC) Highways and the following matters have been agreed in principle:

- Site Access Arrangements;
- Access to sustainable transport and agreement on the submission of a Framework Travel Plan as part of this application;

- Traffic impact assessment parameters; and
- Safeguarding of part of the A20 adjacent to the application site entrance to enable delivery of a roundabout that would serve a potential residential scheme that is being promoted for future development.

3.7 Further details relating to pre-application discussions with KCC Highways can be found in Section 1.2 of the submitted Transport Assessment.

Local Plan Promotion

3.8 The application site was previously included as part of a wider land promotion that was submitted to the Maidstone Local Plan Review Call for Sites in December 2019. This comprised an area to the south of the A20, also within the applicant's control, for residential development and public open space.

3.9 However, Wates subsequently took the decision to separate the application site from the wider promotion area and has promoted it as a stand-alone employment site to the Regulation 19 public consultation and at the Local Plan Review Examination hearings. The application site lies outside of the red line for the Leeds Langley Area of Search (draft policy LPRSP5A).

3.10 The application site was promoted at the Examination hearings supported by evidence that identified substantial need for B8 development in Maidstone borough. Other parties present at the Examination hearings also presented similar evidence identifying an unmet need for additional employment development in Maidstone Borough.

3.11 At the time of submission, the Examination is still ongoing, and we are yet to understand from the Inspector whether the Local Plan Review Employment Needs evidence base and subsequent floorspace requirements set out in the draft spatial strategy policy are sound. A Preliminary Findings Statement has been published by the Inspector, however there is little discussion on employment land supply and demand, or specific logistics needs within the Borough. Further detail on emerging policy is provided in Chapter 5.

3.12 All stages of site promotion have been in the public domain and therefore subject to consultation to a range of stakeholders.

Opportunity at Reserved Matters Stage

3.13 As alluded to throughout this planning statement, the application before the LPA is submitted in Outline with only the access being submitted in detail. It allows for a decision on the general principles for how a site can be developed and requires the submission of reserved matters. Any subsequent Reserved Matters application will contain detail of appearance, landscaping, layout and scale.

3.14 We consider that there will be an additional opportunity for public and stakeholder engagement at Reserved Matters Stage, where the feedback made can influence the design of the proposals more substantially. There will also be greater certainty to the occupier of the site.

4. The Proposed Development

4.1 This application seeks outline planning permission for the development of storage and distribution floorspace (Class B8), with ancillary offices, associated car parking, HGV parking, landscaping, and infrastructure. The development proposals comprise:

- Maximum of 11,368m² (GIA) floorspace warehouse building in storage and distribution use (Class B8) including mezzanine floorspace (853.8m² GIA) which contains ancillary office space (785.1m² GIA);
- Warehouse building to have a maximum external height of 15 metres;
- Maximum of 100 employee and visitor car parking spaces (6 disabled spaces);
- 10 active EV charging points and a further 10 spaces with passive provision;
- 58 cycle spaces and 10 motorcycle spaces (with showers and changing facilities provided);
- HGV parking for a maximum of 40 vehicles (24 parking spaces and 16 docking bays);
- Highways access works (detailed);
- Sustainable travel footway/cycleway connection to existing path built in connection with neighbouring Woodcut Farm development;
- Indicative soft and hard landscaping works that delivers visual screening and ecological enhancement;
- Indicative surface water drainage strategy incorporating SuDS features and foul water drainage strategy; and
- Indicative energy strategy setting out how the policy requirement of BREEAM “excellent” would be achieved.

5. Relevant Planning Policy

5.1 The Planning and Compulsory Purchase Act 2004 (Section 38(6)) states that planning decisions shall be taken in accordance with the adopted Development Plan unless other material considerations indicate otherwise. The relevant documents of the Development Plan are:

- Maidstone Borough Local Plan 2011-2031 (adopted 2017)
- Kent Minerals and Waste Local Plan 2013-2030, as amended by Early Partial Review (adopted 2020)

5.2 Planning policy guidance is set at a national level in the National Planning Policy Framework (July 2021) (NPPF) and associated Planning Practice Guidance (PPG) and these are considered to be material considerations in the assessment of the proposed development.

5.3 In addition to the NPPF and PPG, other relevant key material considerations in this instance include:

- Draft Maidstone Local Plan Review and Evidence Base
- Kent & Medway Structure Plan 2006: SPG4 Vehicle Parking Standards

Maidstone Borough Local Plan 2011-2031 (adopted 2017)

5.4 This is an application for outline planning permission, with all matters reserved apart from access, therefore the Local Plan policies most relevant to the principle of the proposed development are considered to be as follows:

- **Policy SS1 Spatial Strategy** - The policy states a requirement to deliver 49,911sqm of warehouse floorspace during the plan period. An expanded Maidstone urban area will be the principal focus for development in the borough.

It states that Junction 8 of the M20 is the location of a prestigious business park allocation suitable for offices, industry and warehousing (the Woodcut Farm allocation, adjacent to the application site).

- **Policy SP17 The Countryside** - Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty. Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty or the High Weald Area of Outstanding Natural Beauty.

Development in the countryside will retain the separation of individual settlements.

- **SP18 Historic Environment** - To ensure their continued contribution to the quality of life in Maidstone Borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced.
- **SP21 Economic Development** - The council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. This will be achieved through the allocation of specific sites and through:

...Supporting proposals that encourage highly skilled residents to work in the borough to reduce out-commuting...

- **DM21 Assessing the transport impacts of development** - This policy states that proposals must demonstrate that trips to and from the site can be successfully accommodated without causing severe residual impacts. A transport Assessment and Travel Plan must also be provided where appropriate, and proposals should comply with the requirements of Policy DM6 for air quality.

The policy also states that adequate provision should be made, where necessary and appropriate, to facilitate trips by public transport.

- **DM30 Design Principles in the Countryside** - This policy states that development outside of settlement boundaries should be of high-quality design, satisfy the requirements of other policies in the Local Plan, and meet a number of other criteria relating to design, landscape impact, traffic generation, and use of existing buildings.

5.5 Other Local Plan policies that have been taken into consideration in designing the proposed scheme are listed below:

- SP3 Sustainable Transport
- ID1 Infrastructure Delivery
- DM1 Principles of good design
- DM2 Sustainable design
- DM3 Natural environment
- DM6 Air quality
- DM8 External Lighting
- DM23 Parking Standards
- DM30 - Design Principles in the countryside

Kent County Council Minerals and Waste Local Plan 2013-2020 (as amended by Early Partial Review)

5.6 The site is located within a designated mineral safeguarding zone, with policy *DM7 Safeguarding Mineral Resources* being most relevant which states:

"Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:

1. *the mineral is not of economic value or does not exist; or*

2. *that extraction of the mineral would not be viable or practicable; or*
3. *the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
4. *the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*
5. *material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*
6. *it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or*
7. *it constitutes development on a site allocated in the adopted development plan*
8. *where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised."*

Draft Maidstone Local Plan Review and Evidence Base

- 5.7 The draft Maidstone Local Plan Review was submitted for Examination on ... with the Examination in Public (EIP) hearing session relating to employment land taking place on September 7th 2022.
- 5.8 The LPR evidence base for employment land comprises the EDNS and EDNS Addendum, prepared by Lichfields. The EDNS recommended an initial B8 warehouse floorspace requirement of 37,265 (2022-2037), however a second figure of 56,270sqm (2022-2037) was calculated that factored in the economic impacts of the COVID-19 pandemic. This showed a significant increase in the need for B8 floorspace, however Lichfields maintained that the initial figure should be incorporated into policy.
- 5.9 Draft Policy LPRSS1 therefore identifies a B8 floor space requirement of 40,990sqm and does not propose any new allocations for B8 development. The Local Plan Review is relying on existing allocations to meet this requirement.
- 5.10 Avison Young submitted a hearing statement to the Examination which objected to the proposed floorspace requirement, supported by the accompanying ENA as evidence that the proposed floorspace figure was insufficient to meet the demands of the logistics sector. Savills also submitted an evidence document relating to the Woodcut Farm site, also stating that the proposed floorspace requirement was insufficient to meet the substantial demand for B8 sites in Maidstone Borough.

5.11 As the Examination is ongoing and there have been objections to the soundness of LPRSS1, only limited weight can be given to the policy and evidence supporting it. However, we still consider the evidence base to be a material consideration to this application as it is the most recent needs study that has been carried out and therefore more accurate and of more relevance than the adopted Local Plan evidence base.

National Planning Policy Framework (NPPF)

5.12 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and explains how these should be applied. The latest version of the NPPF was published in 2021. The key policies that are considered relevant to the application proposals are set out below.

5.13 Paragraphs 7 and 8 state that the purpose of the planning system is to "contribute to the achievement of sustainable development" and that there are three objectives to achieving this – economic, social and environmental objectives. Specifically relevant to this application is the economic objective, which states:

"to help build strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity"

5.14 Paragraph 10 states that in order to positively pursue sustainable development, there is a presumption favour of sustainable development. Paragraph 11 provides how this presumption should be applied to both plan-making and decision taking. Paragraphs 11c and 11d state the following in relation to decision taking:

c) approving development proposals that accord with an up-to-date development plan without delay;

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 importance provides a clear 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.

5.15 NPPF Chapter 6 "Building a strong, competitive economy" is particularly relevant to this application with Paragraphs 81, 82, 83 and 85 pertinent, as follows:

- Paragraph 81 states 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 local business needs...*”
- Paragraph 82(a) states that planning policies should “*set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration*” whereas Paragraph 82(d) states that “*planning policies should be flexible enough to accommodate needs not anticipated in the plan...and to enable a rapid response to changes in economic circumstances.*”
- Paragraph 83 states that “*planning decisions should recognise and address the specific location requirements of different sectors. This includes making provision for...storage and distribution operations at a variety of scales and in suitably accessible locations.*”
- Paragraph 85 states decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

- 5.16 In terms of design and landscape, Chapter 12 of the NPPF sets out policy guidance on achieving well-designed places, with paragraph 130 stating design criteria for new developments. NPPF paragraph 130(b) states that new development should be visually attractive as a result of effective landscaping.
- 5.17 Regarding the natural environment, paragraph 174(d) states decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(a) states that planning permission should only be refused if significant harm to biodiversity cannot be avoided, adequately mitigated, or as a last resort, compensated for. Paragraph 130(c) also relates to landscape impact, stating the need for new development to be sympathetic to its landscape setting, while paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
- 5.18 Regarding transport, paragraph 110 sets out several criteria that should be adhered to, while paragraph 111 states that only when transport impacts are “*severe*” or where safety impacts are “*unacceptable*” should an application be refused.

Planning Practice Guidance (PPG)

- 5.19 The Planning Practice Guidance (PPG) provides additional information to be read alongside the NPPF. This additional guidance has been considered in the design of the proposals; however, further details are not set out within this Statement in order to avoid repetition with the policy set out above.
- 5.20 The PPG (Reference ID: 2a-031-20190722) provides guidance on assessing need and allocating land for logistics uses. It recognises the 'critical role' that the sector plays in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities. It recognises that it has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).
- 5.21 The guidance sets out the key locational requirements of strategic facilities that require significant amounts of land, good access to the strategic transport networks, sufficient power supply and access to appropriately skilled labour. It urges strategic policy-making authorities to collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas. This can be informed by:
- engagement with logistics developers and occupiers to understand the changing nature of requirements in terms of the type, size and location of facilities, including the impact of new and emerging technologies;
 - analysis of market signals, including trends in take up and the availability of logistics land and floorspace across the relevant market geographies;
 - analysis of economic forecasts to identify potential changes in demand and anticipated growth in sectors likely to occupy logistics facilities, or which require support from the sector; and;
 - engagement with Local Enterprise Partnerships and review of their plans and strategies, including economic priorities within Local Industrial Strategies.
- 5.22 The PPG confirms that strategic policy making authorities will then need to consider the most appropriate locations for meeting these identified needs (whether through the expansion of existing sites or development of new ones).
- 5.23 On guidance around the specific locational requirements of specialist or new sectors (Reference ID: 2a-032-20190722), it advises that the clustering of certain industries (and specifically refers to logistics) can play an important role in supporting collaboration, innovation, productivity and sustainability, as well as driving the economic prospects of the areas in which they locate. It calls for strategic policy making authorities to engage with businesses and occupiers to obtain a clear understanding of these needs.

5.24 The following chapter assess all aspects of the proposed development and demonstrates how they comply with the adopted Maidstone Local Plan, the NPPF, and all other relevant material considerations.

6. Planning Assessment

6.1 This chapter provides an assessment of the proposed development against the policies of the adopted Local Plan and any relevant material considerations, including the NPPF.

Principle of Use

6.2 This section demonstrates how the proposed development complies with the Local Plan policies that are most relevant to the principle of new a B8 development in the proposed location; these are considered to be Policy SS1 *Spatial Strategy*, Policy SP17 *The Countryside*, Policy SP18 *The Historic Environment*, Policy SP21 *Economic Development*, DM21 *Assessing the Transport Impacts of Development*, and DM30 *Design Principles in the Countryside*. The relevant paragraphs of the NPPF are also considered, as well as other material considerations such as relevant appeal decisions and the evolution of national planning policy relating to supporting the logistics sector.

6.3 Policy SS1 *Spatial Strategy* sets out the adopted employment needs of the Borough over the plan period, with the draft Local Plan Review Policy LPRSS1 and evidence base setting out updated employment needs, however these are yet to be found sound at Examination. The following paragraphs, together with the submitted ENA document, demonstrate that the Council's floorspace target for B8 use is insufficient and would not meet the demands of the logistics sector that has seen prolonged sustained growth, followed by unprecedented levels of growth in recent years.

Policy SS1

MBC Employment Land Position

6.4 Policy SS1 of the adopted Local Plan identifies an overall employment land need of 208,030sqm over the plan period (2011-2031), with 49,911sqm of this specially B8 floorspace. The most recent Authority Report (2020-2021) (AMR) states a there to be a net requirement for B8 floorspace of 7,965sqm from 2016-2031 and identifies an apparent oversupply of B8 floorspace of 16,718sqm comprising completions from 2016/17-2020/21 and extant permissions not yet built out.

6.5 However, the EDNS, prepared in 2019, to support the Local Plan Review states a B8 floorspace need of 40,990 (2022-2037). This was followed by the EDNS Addendum produced to forecast the longer-term economic impacts of the COVID-19 pandemic. These documents forecast B8 floorspace needs as follows:

- EDNS: 40,990sqm
- EDNS Addendum: 56,270sqm

- 6.6 The increase between these two figures is cited as being largely due to a forecast increase in warehouse space driven by increased ecommerce activity during the COVID-19 pandemic. As such Lichfields have advised MBC to base their LPR policy requirement on the lower initial figure of 40,990sqm.
- 6.7 Maidstone Borough Council is not proposing to allocate any additional sites specifically for B8 floorspace in the LPR. Instead, they are relying on the proposed need being met through existing allocations and proposed garden village developments. As discussed in Chapter 5 of the submitted ENA, the majority of these existing and committed sites are not of the correct size or location to be suitable to meet the requirements of storage/distribution occupiers and so insufficient B8 floorspace will be delivered.
- 6.8 The Local Plan Review is still at Examination stage, with objections made regarding the proposed B8 floorspace requirements that are currently unresolved. It is acknowledged that limited weight should therefore be afforded to the provisions of the Local Plan Review, as per paragraph 48 of the NPPF. However, planning law dictates that proposals should be assessed against policies of the adopted development plan, unless material considerations indicate otherwise. Given the pace of change of the warehousing/logistics sector (set out below and within the accompanying Economic Needs Assessment) the requirement set out in the LPR evidence base is more relevant than that stated in the adopted Local Plan and is considered to be a key material consideration in the assessment of the proposed development.
- 6.9 The suggested floorspace need figure of 40,990sqm is considered to be insufficient to meet the demands of the industrial/logistics sector in Maidstone Borough. The LPR EDNS and EDNS Addendum are considered to be flawed for several reasons, as highlighted in the accompanying AY ENA report and summarised below:
- They rely solely on econometric projections which fundamentally underestimates the performance of the logistics sector;
 - They are considered to be already outdated due to the recent pace of logistics sector growth;
 - Experian acknowledged lower confidence in their mid-2020 employment forecasts (used in the evidence base). These have since been modified significantly and AY's accompanying ENA report suggests a requirement for a greater number of jobs in Maidstone Borough.
 - Being roughly the same as the Maidstone Borough boundary, the FEMA used for the study is considered too small and fails to reflect the strategic nature of the logistics sector. The submitted

ENS report considers a wider FEMA that encompasses the M20 corridor between Swanley and Ashford.

- They fail to account for suppressed demand for B8 floorspace that has occurred due to a lack of available space to be occupied. The accompanying ENA report suggests an annual suppressed demand for industrial stock in Maidstone Borough of 11,266sqm, expanded to 21,993 across the sub-region. The biggest area of undersupply therefore appears to be in Maidstone Borough, representing c.51% of all estimated suppressed demand in the sub-region. This suggests that the Borough hasn't provided land to meet market needs in the same manner of the neighbouring districts, and would mean that market needs are under-estimated by trend-based employment projections.
- There is a lack of consideration of qualitative factors and the EDNS documents fail to recognise the existing allocations would not be suitable to accommodate storage/distribution uses of the nature proposed in this application.

6.10 The LPR B8 warehousing need figure of 40,990sqm is therefore not considered accurate and has been significantly underestimated. Savills also prepared an alternative Economic Needs Assessment for the purposes of the LPR Examination which corroborates our submitted ENA. The Savills report estimates that the B8 floorspace need is approximately 380,000sqm - significantly higher than the figure suggested in the LPR EDNS. The relevant extract of this report is included at **Appendix 2**.

Maidstone / M20 Corridor Market Position

6.11 Chapter 3 of the accompanying ENA discusses in detail the market dynamics across the neighbouring local authorities along the M20 corridor to reflect the fact the logistics sector is not confined by political boundaries. A summary is as follows:

- Warehouse stock along the M20 corridor is dated and in need of modernisation (average build/renovation dates of 1990);
- Despite poor quality existing stock there is still significant demand, with vacancy rates for B8 uses at 3%, reducing a healthy rate of churn (consistent with the national average). The sustained drop in vacancies creates the risk that a lack of available space will force businesses away from this area, potentially to sub-optimal areas with poorer connectivity to the strategic road network;
- Figure 9 on p.29 of the submitted ENA shows that the lowest vacancy rates (sub 3%) are found in the Maidstone area, i.e. the location of the application site. This indicates the critical need for delivery of additional stock in this general location;

- Low vacancy rates have been coupled with positive net absorption, suggesting ongoing demand for space, with take-up being greater than the vacation of space. However, the relatively low levels of absorption across the past decade are indicative of continued low vacancies and a continued failure to provide enough additional industrial floorspace in optimal locations;
- From 2017-2022, warehousing has made up 86% of all commercial properties being leased (totalling over 1.8million sqft of floorspace) and 77% of all commercial sales activity. This demonstrates the draw of good connectivity to the M20 and the strength of demand in this location;
- Despite high demand across the M20 corridor, there are only four developments of the scale and nature required to meet occupier needs currently proposed and available. None of these are within Maidstone Borough, where vacancy rates are lowest. It follows that there is an imminent need to increase the amount of logistics space within Maidstone Borough to ensure future local economic growth.

6.12 Chapter 5 of the submitted ENA discusses the demand and supply balance. It identifies high demand and an under provision of large-scale, modern warehouse/distribution facilities within the Maidstone/M20 corridor market. In terms of supply, a review of consented and completed sites was carried out which found there to be insufficient B8 floorspace coming forward to meet the growing demand within logistics sector. Further detail on this can be found on p.60-66 of the submitted ENS.

6.13 The situation in the Maidstone/M20 corridor area is largely consistent with the national picture of sustained growth in take-up, reaching record levels in H1 2022, combined with low supply and low vacancy rates of c.3%. Further detail on the national context is set out below.

National Market Overview

6.14 The accompanying ENA Report provided by Avison Young shows there has been a significant increase in demand for logistics development in recent years, with record levels of take-up nationally in 2021/22.

6.15 Further to this, in April 2022 the Office for National Statistics (ONS) published a report entitled *The rise of the UK warehouse and the "golden logistics triangle"*¹ that analyses data regarding the recent growth in warehouse and logistics premises across the UK.

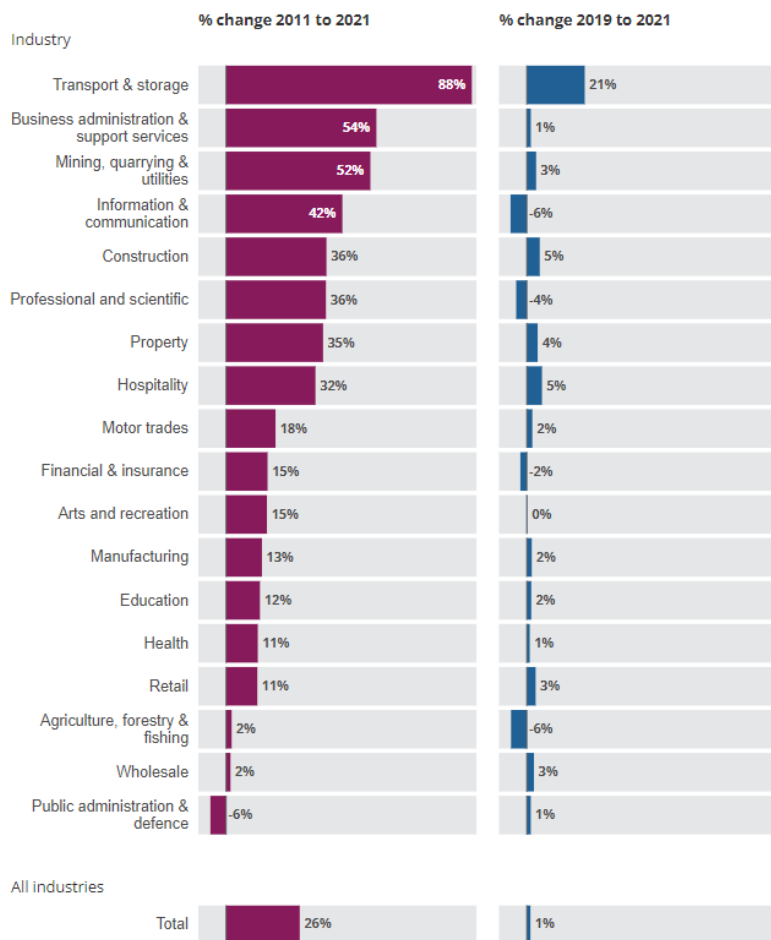
6.16 The report identifies that the number of premises used for B8 storage and distribution uses has almost doubled in the last decade, with this rise accelerating in the last two years due to Brexit and the COVID-19 pandemic. Brexit has resulted in many companies seeking storage and distribution premises in the

1

<https://www.ons.gov.uk/businessindustryandtrade/business/activitysizeandlocation/articles/theriseoftheukwarehouseandthegoldenlogisticstriangle/2022-04-11>

UK, whilst the pandemic caused a surge in e-commerce activity. The chart below shows “Transport and Storage” to be the fastest growing industry group (both recent and long term) nationally, with an 88% increase from 2011-2021 and a 21% increase from 2019-2021.

Percentage change in number of business premises by industry, UK, 2011 to 2021 and 2019 to 2021



Source: Office for National Statistics — Inter-Departmental Business Register

6.17 As a result of the recent growth in online shopping, there was a record number of new warehouse construction projects in 2021, worth £5.6 billion (significantly greater than any year since 1985). This is supported by Savills, who reported in January 2022² that 55.1 million sqft (gross) of warehouse space had been transacted in 2021 – a new annual record for take up at 86% above the long-term annual average. High levels of demand have remained in 2022, with Avison Young reporting take up of 30.2million sqft at the end of Q3³. To put this figure into perspective, in 2015 national take up stood at 8 million sqft.

² https://www.savills.co.uk/research_articles/229130/323880-0

³ Avison Young Big Box Bulletin Q3 2022

- 6.18 These figures also help to demonstrate that the Local Plan process is failing to keep up with the pace and scale of current market demand, making it difficult for Local Planning Authorities to keep their employment evidence base up to date. Consequently, speculative planning applications for B8 development are being assessed against out-of-date evidence that doesn't reflect the actual quantum of development needed to meet current market demand.
- 6.19 In addition to the above, a recent report by the British Property Federation (BPF)⁴ highlights that storage and distribution facilities represent critical national infrastructure that supports the functioning of the economy; ensuring that goods can be moved around the country to meet consumer needs. The report confirms that over the last 10 years, jobs within logistics have grown by 26% compared to only 14% across the economy as a whole.
- 6.20 The report identifies that the planning system in its current form is restricting growth by not allocating enough land in the right locations. The historic lack of supply has suppressed demand by 29% nationally, meaning that an additional 10 million sqft would have been delivered per annum. This should be taken into consideration by local authorities when planning for future employment development and should be considered alongside the growth in housing (increased number of customers in an area) and e-commerce trends and freight growth (pp19-21).
- 6.21 This is supported by the National Infrastructure Commission's (NIC) report "*Better Delivery: The Challenge for Freight (April 2019)*"⁵ which states that logistics needs to be recognised as "*an essential part of enabling and supporting infrastructure*" for major new developments (p13). One of the three overarching recommendations of the report is that better land use planning is needed for a more efficient freight system across the UK. In particular, the recognition of the logistics sector's needs in the planning system is necessary to ensure that the appropriate level of development is delivered in the correct locations. Further detail on p.14 of the report recommended that planning authorities were given increased and updated guidance on planning for sufficient land and floorspace for B8 storage and distribution development having regard to population growth and economic need.
- 6.22 AY (in conjunction with Newlands Developments) published a report in February 2022 entitled '*The Value of Logistics*' (enclosed at **Appendix 3**). This sets out the benefits associated with logistics development and highlights the key drivers behind the recent growth in demand. In terms of future growth, Page 33 states that for every £1bn increase in online retail activity, 1 million sqft of additional logistics floorspace

⁴ [BPF Levelling Up - The Logic of Logistics](#)

⁵ [NIC - Better Delivery: The Challenge for Freight](#)

is required. Based on predicted online shopping growth, it is estimated that the UK will need to accommodate approximately 100million sqft of additional floorspace by 2030.

- 6.23 The above evidence clearly highlights that demand for logistics floorspace across the UK has been increasing over the last decade, with unprecedented growth in recent years. Suppressed demand, increasing levels of e-commerce, and high national housing delivery targets suggest that demand will continue to grow in the future. It also highlights that the UK planning system, in its current form, is not fit for purpose in delivering the right amount of floorspace in the right locations, as it cannot keep up with market demand for logistics. Indeed, it is stated on p.34 of *The Value of Logistics* that of the larger requirements in the market (500,000ft+) built between October 2018 and October 2021, 58% of these did not benefit from an employment allocation at the time planning permission was granted.

Policy SP17

- 6.24 Policy SP17-The Countryside states that development outside of a designated settlement must comply with other policies in the Local Plan and must not result harm to landscape character and impact, and must not have a significant adverse impact on the settings of the Kent Downs AONB. The following sub-sections of this chapter demonstrate that the proposed development complies with all other policies of the Local Plan, with the Landscape Visual Impact sub-section and the submitted LVIA report demonstrating that there would not be significant adverse impacts on landscape character and on the Kent Downs AONB. The proposed development would also maintain the separation of individual settlements. In addition, paragraph 85 of the NPPF encourages flexibility regarding site location when meeting local business needs, stating that *“planning decisions should recognise that sites to meet local business needs...in rural areas may have to be found adjacent to or beyond existing settlements...”*
- 6.25 Consequently, while the application site is outside of a designated settlement, this Planning Statement and the submitted technical reports demonstrate the proposal complies with all other relevant policies of the Development Plan. This Planning Statement and the submitted ENA also demonstrate there is a local business need, therefore NPPF 85 is of great relevance and should be integral to the Council's assessment of the application.

Policy SP18

- 6.26 Policy SP18 *The Historic Environment* seeks the protection and, where possible, the enhancement of heritage assets in the borough. The Heritage sub-section of this Chapter sets out that there is low risk of harm caused to archaeological assets, with adequate mitigation proposed to manage impacts, and that there would be no harm to built heritage assets and their settings due to distance from the site. As such the principle of development is acceptable with regards to the historic environment.

Policy SP21

6.27 Policy SP21 *Economic Development* states that the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. The preceding paragraphs relating to Policy SS1 and the submitted ENA demonstrate that there is significant demand for B8 floorspace in Maidstone Borough, and the wider M20 corridor. The proposed development would help meet this demand, creating jobs and resulting in significant long-term economic benefits for both Maidstone Borough and the wider M20 corridor sub-region. As set out in the introduction, it is estimated that the development would generate up to approximately 130 direct FTE jobs, equating to an annual GVA of approximately £4.7million, and approximately 80 indirect jobs. The proposed development would therefore result in economic benefits for the Borough and provide for the needs of the logistics sector, in line with aims of Policy SP21.

Policy DM21

6.28 Policy DM21 *Assessing the Transport Impacts of Development* seeks to ensure new development would not result in unacceptable and severe highways impacts. The Transport sub-section in this chapter, together with the submitted Transport Assessment and Framework Travel Plan clearly demonstrate that the trip generation and impact on the local highways network would be acceptable, and that sustainable travel is encouraged through proposed connection to the foot/cycle path secured via the neighbouring Woodcut Farm development. As such, the principle of development is acceptable with regards to transport impacts.

Policy DM30

6.29 DM30 *Design Principles in the Countryside* seeks to ensure that new development does not harm the character of the existing countryside. It sets out criteria relating to high-quality design, landscape impact, traffic generation, and use of existing buildings. The relevant criteria are met as follows:

- Type / Design / Scale – the neighbouring Woodcut Farm scheme sets the precedent for the acceptability of employment development in this broad location, and the proposed building heights will no taller than those approved at Woodcut Farm. Materials and appearance would be approved at Reserved Matters Stage, but this application includes indicative proposals to demonstrate a high-quality design could be achieved.
- Landscape visual Impact – an LVIA report has been submitted that demonstrates the proposed development would sit well within the context of the Woodcut Farm scheme and that any harm on the settings of the AONB and locally valued landscape can be successfully mitigated.

- Traffic impact – the submitted Transport Assessment demonstrates that the proposed trip generation could be successfully accommodated within the existing highways network.
- Use of existing buildings – there are no existing buildings within Maidstone Borough that would be suitable to accommodate the operational and location requirements of the proposed development that are specific to the logistics sector. The site is adjacent to an existing employment site, and has a high degree of self-containment due to existing mature vegetation that can be bolstered by perimeter landscaping.

6.30 The proposed development therefore meets all the criteria of policy DM30 and would be of an acceptable design in the location of the application site.

National Planning Policy Evolution

6.31 As a result of the increasing growth in logistics floorspace need in recent years, national planning policy has evolved to enable the delivery of employment floorspace, particularly B8 storage and distribution uses, in appropriate locations.

6.32 The NPPF 2012 stated that one of its 12 core land-use planning principles was to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units...that the country needs”* and that sufficient land should be allocated to deliver the needs of the market.

6.33 In addition to this, paragraph 20 noted that local planning authorities should *“plan proactively to meet the development needs of business and support an economy fit of the 21st century.”*

6.34 Paragraph 21 goes on to state that *“policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”*

6.35 The above points are carried through into the most recent 2021 version of the NPPF at Paragraph 81, which states *“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.”*

6.36 Paragraph 82(a) (and also PPG Paragraph: 031 Reference ID: 2a-031-20190722) call for planning policies to have regard to Local Industrial Strategies. The South East Local Enterprise Partnership’s (SELEP) *Economic Recovery and Renewal Strategy* (March 2021) sets out a number of priorities for the region, including *“Strategic Priority 2: UK’s Global Gateway.”* This seeks to increase and enhance trade in the region, including growth and innovation of the freight/logistics sector. This Strategic Priority does not appear to have been fully considered in the preparation of the Local Plan Review, however, the addition

of new warehouse floorspace through the approval of the proposed development would help achieve this Strategic Priority given, its strategic location and accessibility to the M20 and M2 motorways.

6.37 Paragraph 82(d) repeats the need for “policies to be flexible enough to accommodate needs not anticipated in the plan... and to enable a rapid response to changes in economic circumstances.”

6.38 However, at Paragraph 83, the unique requirements of logistics sites is acknowledged explicitly, as follows:

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for ...storage and distribution operations at a variety of scales and in suitable accessible locations.”

6.39 In recognition of the changing nature of the market, and in response to the aforementioned NIC Freight Study recommendations around strengthening planning policy to support the freight sector, the above was supplemented by updated PPG guidance on assessing and allocating space for logistics (Paragraph: 031 Reference ID: 2a-031-20190722). This emphasises the ‘critical role’ that the logistics industry plays and recognises that it has distinct locational requirements that need to be considered separately from those relating to general industrial land. It goes on to define these locational requirements as being ‘significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour’. The application site is therefore exactly what would be considered attractive to logistics occupiers.

6.40 The PPG (Paragraph: 032 Reference ID: 2a-032-20190722) also refers to the advantages of clustering of industries in supporting collaboration, innovation, productivity, and sustainability, as well as in driving the economic prospects of the areas in which they locate. This is particularly relevant to this application given the allocation and approval of employment development (including B8 floorspace) at Woodcut Farm, directly adjacent to the application. Also, the adopted Local Plan’s spatial objectives (p.9 paragraph 3.12) state the focus for new employment development in the Borough is at M20 J7 and J8, where the application site is located.

6.41 This policy evolution clearly shows greater importance being given to delivery of B8 storage and distribution development in appropriate locations (such as M20 J8). This is reflected in the below appeal precedent where benefits of B8 employment development have been afforded significant and very significant weight.

Appeal Precedent

6.42 There have been several recent instances where the Planning Inspectorate, has afforded significant weight to the economic benefits and growing demand for B8 logistics development, with the decisions being supported by the Secretary of State after being called-in. These are summarised below, and serve to highlight the Government's current position on encouraging the delivery of storage and distribution floorspace, as per NPPF guidance:

- **Wingates Industrial Estate Bolton, 21 June 2021 (APP/N4205/V/20/3253244) B8, B1c/B2, B1b uses** - The economic benefits of the proposed development were considered to contribute substantially to the national policy imperative, particularly with regard to the need for storage and distribution facilities at a variety of scales, in accessible locations. There were no suitable alternative sites for the development and these benefits were considered to outweigh harm to the Green Belt and landscape impacts.
- **Symmtery Park M6 J25, Wigan, 21 June 2021 (APP/V4250/V/20/3253242) B8 with ancillary B1 floorspace** - The Inspector found that employment land supply had not kept up with demand in the area and was critically low. Very substantial weight in favour of approval was afforded to the delivery of logistics floorspace, supported by significant locational benefit and substantial socio-benefits. These were considered to outweigh Green Belt harm and visual and landscape harm.
- **Stanton Lane, Stanton under Bardon, 21 October 2021 (APP/K2420/W/21/3279939) B8 and B2 floorspace** - The benefits of employment development and the shortage of employment land supply outweighed harm on character and appearance of local area including the National and Charnwood Forests
- **Former Parkside Colliery, Newton Le Willows, 11 November 2021 (APP/H4315/V/20/3253194) B8 with ancillary B1a floorspace** - The Secretary of State agreed with the Planning Inspectorate that need for logistics floorspace outweighed harm to Green Belt, and lack of alternative sites was afforded significant weight.
- **Omega Zone 8, St Helens, 11 November 2021 (APP/H4315/V/20/3265899) B8 and B2 uses with ancillary office space** - Employment evidence identified a shortage of readily available large-scale logistics sites that does not meet demand, this was afforded significant weight, and socio-economic benefits of the scheme given very significant weight. These benefits were considered to outweigh policy conflicts including Green Belt harm and harm to heritage assets.

6.43 The full decisions for each of the above are enclosed at **Appendix 4**.

6.44 While it is acknowledged that all planning applications are to be determined on their own merits, the above precedent shows the Government's current position of affording significant/very significant weight to the delivery of B8 storage and distribution development to support economic growth, particularly in areas where supply no longer meets demand (aligning with NPPF paragraphs 81 and 83). This is directly applicable to the proposed development at Land at Ashford Road and we believe is a material consideration for this application.

Principle of Use Summary

6.45 The preceding paragraphs demonstrate that proposed development complies with the Local Plan policies and NPPF guidance most relevant to the principle of the proposed use.

6.46 The latest Council Authority Monitoring Report (AMR) identifies an apparent oversupply of employment floorspace. However, it has been demonstrated that this is not the right type or size to meet requirements of storage/distribution occupiers.

6.47 The LPR EDNS and Addendum set out suggested employment floorspace requirements that have been used in draft policies currently going through Examination; these floorspace figures are therefore considered to be material considerations. The EDNS and Addendum are considered flawed for a number of reasons and substantially underestimate the amount of B8 floorspace required to meet the demands of a sector that has seen unprecedented growth in recent years.

6.48 The accompanying ENA report provides an analysis of the storage/distribution market in Maidstone, along the M20 corridor and in the wider sub-region. This has identified historic under-provision of B8 sites and low vacancy along the M20 corridor, resulting in suppressed demand for new storage/distribution development. In addition, there is an extremely low supply of only four large-scale warehousing developments in the pipeline. This is at its most critical in Maidstone Borough where there is poor quality existing stock, the lowest vacancy rates, and no developments coming forward. This is set in the national context of recent unprecedented growth, low vacancy rates and constrained supply.

6.49 There has been increasing support for large B8 units within national planning policy since the adoption of the Maidstone Local Plan. Accordingly, the proposed development accords with NPPF guidance, which states that local plan policies should be able to respond to rapid changes to market conditions, as well as "making provision for ...storage and distribution operations at a variety of scales and in suitable accessible locations" (Paragraph 83). The Site exhibits all the hallmarks of a good logistics site as described in the PPG, including being a good size and located with excellent access to the strategic road network given its proximity to the M20 and M2. Indeed, the application site is immediately adjacent to the Woodcut Farm strategic employment allocation, and could be seen as a natural

extension of that development. This is reinforced by one of the Local Plan's spatial objectives being to locate new employment development at M20 J7 and J8.

- 6.50 It has been demonstrated through extensive appeal precedent that significant weight should be afforded to development proposals that accord with the above NPPF provisions, and that support economic growth in areas where employment land supply no longer meets increased demand.
- 6.51 An analysis of the M20 corridor and wider sub-region demonstrates a significant lack of suitable development sites coming forward that would meet the growing demand for storage/distribution floorspace.
- 6.52 Consequently, the principle of a new B8 development in this location is considered acceptable, and compliant with the requirements of adopted Local Plan Policies SS1, SP17, SP18, SP21, DM21, and DM30, Paragraphs 81, 82, 83 and 85 of the NPPF, and guidance around planning for logistics set out in the PPG.

Design

Overarching Principles

- 6.53 Local Plan Policy DM1-Principles of Good Design sets out various criteria that new development proposals should adhere to in order to ensure high quality design. It states that new development should respond positively to the local, natural or historic character of an area, as well as respecting site topography and natural features. It states that regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage, and that native vegetation around site boundaries should be used to help screen development, helping it assimilate into the local and natural environment.
- 6.54 Chapter 12 of the NPPF sets out policy guidance on achieving well-designed places, with paragraph 130 stating design criteria for new developments.
- 6.55 The submitted Design and Access Statement (DAS) sets out the design approach for the proposed development, which has been led by the location within the setting of the Kent Downs AONB and Len Valley valued landscape; the site's constraints and opportunities; modern operational requirements of logistics occupiers; and the relevant planning policy and legislative requirements. The environmental and planning policy context has led to the design being guided by the following principles:
- Minimising visual impacts given the site location between the Kent Downs AONB and Len Valley valued landscape;
 - Maximising the retention of existing vegetation and natural features;

- Primary vehicular and pedestrian/cycle access from Ashford Road;
- Indicative site and warehouse layout to meet prospective occupiers' needs;
- Indicative elevation treatment that is high quality, contemporary and appropriate for the site location;
- Indicative energy strategy that demonstrates the scheme can achieve BREEAM "Excellent";
- Indicative drainage strategy that incorporates SuDS measures; and
- Earth modelling to achieve a workable development plateau whilst avoiding the need for removing earth from the site.

Appearance

- 6.56 The illustrative size, scale and height of the proposed warehouse building have been informed by the site's landscape context, the built context of the neighbouring Woodcut Farm employment development and the operation requirements of prospective occupiers. This strikes an appropriate balance of respecting the site constraints while delivering a building that will be attractive to the market. The 15m height is lower than the preferred height of occupiers (usually 18m) but is consistent with that of the neighbouring Woodcut Farm development so as to respect the sensitive landscape context.
- 6.57 The indicative façade design and materials palette demonstrate that an external treatment can be successfully delivered that is appropriate for a modern warehouse building in a visually sensitive location. The indicative elevation treatment comprises vertical and horizontal profiled metal panels, together with pre-cast reconstituted stone and glazed curtain walling which reflect the industrial use of the building but also add articulation and interest. The indicative dark colouring and climbing vegetation are examples of design features that help the building blend into the natural landscape. Further detail on the building appearance and illustrative images can be found in the accompanying Design and Access Statement at pages 34-41.

Landscape Design and Biodiversity

- 6.58 In addition to the requirements of Policy DM1, Policy DM3 Natural Environment states that new development should protect areas of positive landscape character and avoid significant adverse impacts on important ecological features, designated ecological sites and priority habitats. Pollution should be controlled to protect ground and surface waters, and the effects of climate change mitigated against.

- 6.59 Furthermore, NPPF paragraph 130(b) states that new development should be visually attractive as a result of effective landscaping, and paragraph 174(d) states decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(a) states that planning permission should only be refused if significant harm to biodiversity cannot be avoided, adequately mitigated, or as a last resort, compensated for.
- 6.60 The proposed indicative landscape scheme balances visual screening and softening the site's appearance with delivering an acceptable level of ecological enhancement. The perimeter of the site already benefits from substantial mature tree cover which would provide physical and visual containment. The indicative landscape proposals enhance this by additional structure planting on the north-eastern, eastern and south-eastern boundaries, along with climbing vegetation on the north-eastern and south-eastern corners of the building.
- 6.61 The site itself has low landscape and ecological value due to being intensively farmed. The indicative landscape proposes native tree, shrub and grass planting to provide new habitats, enhancing the biodiversity of the site and softening the development's appearance.
- 6.62 In terms of biodiversity net gain, the site delivers a range of enhancements as set out in the submitted Biodiversity Net Gain Report by SLR, which equates to a significant +10.73% habitat net gain and a 12.36% hedgerow net gain.
- 6.63 The proposed development is therefore considered to comply with Local Plan Policies DM1 and DM3, as well as paragraphs 130, 174 and 180 of the NPPF.
- 6.64 Further detail on landscape design and biodiversity can be found in the accompanying Ecology report, p.30-31 of the Design and Access Statement, and the submitted landscape drawings.

Landscape Visual Impact

- 6.65 Local Plan policy DM30 - *'Design Principles in the Countryside'* expects that new development appropriately mitigates any impacts on the appearance and character of the landscape. For new built development, it states that there should be no opportunity to re-use an existing building. In addition, NPPF paragraph 130(c) states the need for new development to be sympathetic to its landscape setting, while paragraph 174 states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 176 adds to this, stating that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
- 6.66 The Development would benefit from substantial maturing tree cover around the perimeter of the Site and in the immediate vicinity, which would provide a significant degree of physical and visual

containment for the building. Notwithstanding this benefit, it is proposed that the perimeter of the Site would be designed to provide tree cover to enhance the degree to which the Development would be framed by vegetation as green infrastructure. The illustrative landscape strategy plan includes the following:

- Existing hedgerows and trees around the site perimeter retained and enhanced;
- New structural planting buffers to the Ashford Road and A20/Hollingbourne Interchange Road frontages;
- Creation of a high-quality gateway landscape at the site access;
- Areas of amenity and species rich grassland to retain openness for visibility splays and to enhance biodiversity;
- New scrub planting up to 5m high adjacent to the northern, eastern and southern site boundaries;
- On plot-landscaping including areas of new tree planting throughout the site.

6.67 No internal hedgerows or trees are located within the interior of the Site and the existing perimeter hedgerows and trees can be retained to form an integral part of the landscape design as green infrastructure. Only a small element of vegetation would need to be removed to accommodate the Development. It is intended that the Development would be framed with native trees and shrubs to create an attractive framework for the building. In overall terms, there would be benefits to the Site in terms of landscape elements. The Development would inevitably involve the loss of one arable field, but this is somewhat isolated in practical farming circumstances by the highway infrastructure alongside the Site and the Cumulative Scheme under construction immediately to the north.

6.68 The proposed green infrastructure framework, including retained vegetation and new planting, will minimise the visual impacts of the Development and will also be used to improve upon the existing visual baseline.

6.69 If its upper limits were modelled, where visible from Old Mill Road to the south, the proposed building would sit in the middle ground and no higher than the existing lighting columns. The building at up to 15m in height has been carefully designed to ensure that it sits below the horizon and that the legibility of the Kent Downs AONB escarpment would remain with the scheme in place. Furthermore, it is anticipated that the use of colour render could assist in making the building recessive in local views. From local public rights of way in the area, the proposed building would have no bearing upon views

into the AONB. The AONB itself is a heavily wooded environment, limiting viewing opportunities outward to the surrounding countryside. Any views of the proposed building would be very limited and would be seen in the context of other surrounding built infrastructure located across the area.

- 6.70 The approaches outlined above will mitigate against impacts upon views and will have the potential to create beneficial effects through the restoration and enhancement of the landscape structure of the area, in line with the recommendations of the published landscape character assessments and the prevailing planning policy.
- 6.71 It is considered that the special qualities that define the Kent Downs AONB would remain materially unaffected with the Development in place. The special components, characteristics and qualities of the Kent Downs AONB would also remain and prevail with the Development operational.
- 6.72 The Landscape and Visual Impact Assessment (LVIA), prepared by Pegasus acknowledges that the change in the use of the land would inevitably result in some adverse impacts on the landscape and visual amenity of the area. However, the LVIA has considered the main landscape and visual implications of the development and their potential impacts, and sought to identify primary mitigation measures alongside the landscape strategy in order to minimise these impacts. The assessment concludes that the development would not result in lasting significant adverse effects upon landscape or views and, as such, it is considered that the development can be successfully integrated into the landscape setting.
- 6.73 It is also important to highlight that paragraph 4.3 of the Council's most recent Authority Monitoring Report (2020-21) notes that the main reasons given by planning inspectors for appeals being allowed were *"because of disagreements with the Council's planning decisions on character and landscape matters."* This indicates that MBC officers have previously been overly stringent on their application of policies relating to landscape impact.
- 6.74 In light of the above, it is considered that the proposed development could be sympathetically designed and its upper limits in terms of height and scale would respect its landscape setting, while making effective use of the site and appealing to the market. The proposed landscape masterplan and mitigation recommendations further reduce landscape harm. As such, we consider that the proposed development accords with Policy DM30 and the NPPF.

Energy / Sustainability

- 6.75 Policy DM2 of the adopted Local Plan relates to sustainable design of new development and states that non-residential development should achieve BREEAM “Very Good” (where technically feasible and viable), including addressing maximum water efficiencies under the mandatory water credits.
- 6.76 In addition, the NPPF states at paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate, supporting renewable and low carbon energy and associated infrastructure. Paragraph 154 goes on state that new development should help to reduce greenhouse gas emissions, and that any local policy requirements should reflect national technical standards. Paragraph 157 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.77 A BREEAM pre-assessment report has been submitted as part of the application. This demonstrates that the indicative proposals would achieve BREEAM “Excellent” which exceeds the Local Plan Policy requirement. The assessment states that an overall targeted score of 74.74% would be achieved, which is 4.74% over the Excellent threshold of 70%. Further detail on how this would be achieved can be found in appendices 1 and 2 of the BREEAM Pre-assessment report.
- 6.78 The submitted Energy Strategy sets out the indicative low energy design and sustainable construction strategy for the proposed development. The Strategy outlines that a number of key best practice principles have informed the building design as follows:
- Following of the “be lean” (improved energy performance); be clean (centralised heating and cooling systems); and be green (use of low/zero carbon technologies) Energy Hierarchy;
 - Utilise the most appropriate orientation within site constraints;
 - Designed to operate as passively as practical;
 - Designed to utilise sustainable energy sources where possible;
 - Utilise low carbon systems and design.
- 6.79 Whilst this application only proposes an indicative outline scheme, the above principles could be delivered through the following measures:
- Use of highly insulated cladding system;
 - Use of pre-fabricated cladding system for efficient installation;

- Roof lights in the warehouse building for consistent natural light;
- High level of air tightness to the buildings façade;
- Use of energy efficient modern heating systems;
- Use of low energy external lighting with appropriate sensor technology;
- Use of renewable energy technology such as air source heat pumps;
- Green roof and wall systems on buildings;
- New planting and landscaping to provide natural habitats, natural shading, and carbon offset;
and
- Electric vehicle charging provision.

6.80 As the end user is currently unknown, the Energy Strategy report sets out that two energy strategy options have been tested and could achieve up to an 18% improvement, compliant with Building Regulations Part L2 2021 – the relevant regulation for conservation of fuel and power in all building types.

6.81 Further details can be found in the submitted Energy Strategy and the Design and Access Statement. These reports demonstrate that the proposed development could achieve a BREEAM rating of “Excellent”, exceeding the Local Plan policy requirement of “Very Good”, and can be designed and constructed to the relevant building regulations utilising sustainable design and construction principles. The proposals are therefore compliant with Local Plan Policy DM2 and NPPF paragraphs 152, 154 and 157, and are considered acceptable in this regard.

Transport

6.82 The relevant Local Plan Policies relating to transport are SP3-Sustainable Transport, DM21-Assessing the Transport Impacts of Development, and DM23-Parking Standards. Policy SP3 seeks to ensure that the Borough’s transport system supports the growth planned for by the Local Plan, seeks to deliver modal shift to sustainable travel, and improve network capacity and function at key locations and junctions. Policy DM21 states that trips generated by a proposed development must be successfully accommodated within the highway network, a Transport Assessment and Travel Plan are provided where development meets thresholds set by Kent County Council (Highways Authority)(KCC), and that air quality policy requirements are also met.

6.83 Kent and Medway Structure Plan 2006 sets out vehicle parking standards in Policy SPG4.

6.84 Paragraph 110 of the NPPF sets out the following guidance:

- *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- *safe and suitable access to the site can be achieved for all users;*
- *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

6.85 Paragraph 111 states that only when transport impacts are “severe” or where safety impacts are “unacceptable” should an application be refused.

Proposals

6.86 Indicative vehicle and cycle parking is proposed as follows:

- 100 car parking spaces including 5 disabled spaces and 10 active EV charging points (10%);
- 58 cycle spaces, covered secure storage, compliant with KCC standards;
- Motor cycle parking;
- 40 HGV spaces made up of 24 parking spaces and 16 docking bays.

6.87 As set out in the Chapter 2 of this Statement and Section 3 of the submitted Transport Assessment, the site is well served by the 10X bus route, as well as rail stations at Hollingbourne and Bearsted. To enhance sustainable connectivity, the scheme proposes a connection to the footway/cycleway on the northern side of the A20 that has been secured by the neighbouring Woodcut Farm development.

6.88 Pre-app discussions have taken place with KCC Highways officers in which the following matters were agreed:

- Site access arrangements from the A20;

- The scope of the Transport Assessment, including traffic impact assessment parameters;
- The requirement for the submission of a Framework Travel Plan; and
- the principle of safeguarding highways land for a roundabout within the A20 at the entrance to the application site. This is in relation to a site on the opposite side of the A20 currently being promoted by the applicant for residential development, and should this come forward in the future the roundabout would be needed to access both the employment and residential developments.

Assessment

6.89 The submitted Transport Assessment sets out how the proposed development meets local and national planning policy requirements, as follows:

- The proposed vehicle and cycle parking provision adheres to the KCC parking standards, therefore compliant with Local Plan policy DM23;
- Swept path analysis is provided that shows safe access/exit can be achieved for vehicles to and from the site, and that all required vehicles can be accommodated with the indicative site layout. This is in accordance with Local Plan policy DM21;
- A Traffic Impact Assessment has been carried out which found that the proposed development would result in a light trip generation of roughly one HGV every three minutes at peak times, and also demonstrates that both the A20/M20 Link Roundabout and M20 Junction 8 Roundabout will continue to operate within capacity. There would therefore be no unacceptable or severe adverse impacts on the local highway network..
- As requested at the Pre-app with KCC, a HGV sensitivity test has been carried out to ensure the any highways impacts are acceptable should the site be used as a parcel distribution warehouse. The analysis indicates that the HGV generation will be circa one HGV every two to three minutes in the morning peak hour and one HGV every four minutes in the evening peak hour associated with a parcel distribution warehouse. The Sensitivity Test assessments demonstrate that the local highway network will continue to operate acceptably and well within capacity should the site come forward as a parcel distribution centre. The results of the Traffic Impact Assessment stated above therefore remain valid.
- As per the requirements of Policy Dm21, a Framework Travel Plan has been submitted that seeks to reduce the number of single-occupancy vehicle movements to and from the site and

contains an action plan summarising the measures to be implemented to achieve this, as well how the Travel Plan will be monitored and reviewed.

- 6.90 The proposed development is therefore compliant with the requirements of Local Plan Policies DM21 and DM23, and paragraphs 110 and 111 of NPPF and is considered acceptable with regard to Transport. Further information can be found within the submitted Transport Assessment and Framework Travel Plan.

Environmental Matters

Air Quality

- 6.91 Adopted Local Plan Policy DM6 *Air Quality* requires large scale development proposals to demonstrate the potential impacts of air pollution from both the development itself and cumulative development, and to demonstrate how air quality impacts will be mitigated to acceptable levels. In addition, Policy DM1 states that new development should respect the amenity of neighbouring properties and not result in unacceptable levels of air pollution. Policy DM21 states that new development must comply with the requirements of Policy DM6 in terms of transport.
- 6.92 The NPPF deals with air quality at paragraph 174(e) stating that planning decisions should prevent new development from contributing to unacceptable levels of air pollution, and that new development should help to improve local environmental conditions wherever possible.
- 6.93 As per the requirement of Policy DM6, an Air Quality Assessment has been carried out to assess the likely impact of the proposed development. The Assessment describes the existing air quality within the study area and assesses the impact of the construction and operation of the development on air quality in the surrounding area. The results of this Assessment are summarised below, and further detail can be found in the submitted Air Quality Assessment report.
- 6.94 The construction phase assessment indicates that there is a low risk associated with the potential impacts of dust on soiling and to human health from construction, earthworks and trackout activities. Dust impacts would be effectively controlled through the implementation of suitable mitigation measures, such a creation of a dust management plan, dust emission monitoring, diligent site maintenance, use of dust suppression on machinery, and wheel washing on vehicles leaving the site, which should be implemented through a Construction Environmental Management Plan. With the mitigation in place, the construction stage dust effects in the study area will be temporary and not significant.

- 6.95 Analysis of monitoring data collected by Maidstone Borough Council showed that nitrogen dioxide and particulate matter concentrations were likely well below long- and short-term national air quality objectives at the Site and nearby sensitive receptors in 2019, indicating the Site is suitable for the Proposed Development without the need for mitigation.
- 6.96 The Proposed Development is expected to increase annual average daily traffic flows by 600 vehicles per day in 2027, when the development will be fully operational. A modelling assessment showed that the vehicle exhaust emissions associated with the Proposed Development are expected to have a negligible impact on air quality at all modelled receptor locations, demonstrating the effect of the Proposed Development on local air quality will be not significant.
- 6.97 Following the completion of an emissions mitigation assessment, the report outlines the mitigation measures that will be introduced to the Proposed Development to encourage sustainable travel and mitigate any air quality impacts to acceptable levels, in line local air quality policy and planning guidance.
- 6.98 The report concludes that the proposed development is not expected to result in significant effects on air quality, and receptors in the study area are unlikely to be exposed to substantial increases in pollutant concentrations. The proposed development is therefore compliant with Local Plan Policies DM1, DM6, DM21 and NPPF paragraph 174(e).

Noise Impact

- 6.99 Local Plan Policy DM7 *Non-conforming Uses* states that new development which could create noisy uses will only be permitted where it can be demonstrated they do not cause nuisance to residents or users in the vicinity.
- 6.100 The NPPF states at paragraph 174(e) that new development should not contribute to or be adversely affected by unacceptable levels of noise pollution. Paragraph 185(a) adds to this, stating that new development should be appropriate for its location, taking into account effects of pollution, and should therefore mitigate and reduce to a minimum potential adverse impact resulting from noise from new development.
- 6.101 A noise survey was carried out in July 2022 and the submitted survey results report makes the following key observations:
- The dominant noise sources recorded at the site were road traffic noise from the M20 and Ashford Road.

- Construction plant and methods would need be carefully considered to ensure construction noise remains within acceptable levels, however the construction of a steel framed warehouse building is likely to produce relatively low noise levels.
- The ambient noise levels are not such that would prohibit a development of this type on the site and the guideline internal ambient noise levels are expected to be achieved with suitable design.
- In terms of operational noise, any fixed plant items should be installed at the eastern façade/boundary so the building can provide screening of any plant noise created;
- Noise created by HGV movements and the opening/closing of large roller-shutter doors is likely to cause the greatest impact to the nearest noise sensitive receptors to the northwest of the proposed building. Boundary treatments, such as a noise barrier, may be needed on the north-western boundary to reduce impacts and would be considered at Reserved Matters stage.

6.102 The neighbouring Woodcut Farm employment scheme includes B8 development and therefore sets the precedent that B8 development is appropriate in this broad location. The observations summarised above demonstrate that the proposed development would not be adversely affected by noise pollution and any potential impacts could be mitigated by incorporating design measures at Reserved Matters stage. Consequently, the proposed development is compliant with Local Plan policy DM7 and NPPF paragraphs 174(e) and 185(a), and is therefore acceptable in this regard.

Flood Risk and Drainage

6.103 Local Plan Policy DM3 *Natural Environment* states that new development is expected to control pollution to protect ground and surface waters and mitigate against deterioration of water bodies.

6.104 NPPF paragraph 159 states that development should be directed away from areas of highest flood risk, while paragraph 167 states that new development should be supported by a site-specific flood risk assessment where appropriate and should not increase flood risk elsewhere. In addition, paragraph 169 states that major developments should incorporate sustainable drainage systems (SuDS).

6.105 To address these policy requirements, a Flood Risk Assessment (FRA) and drainage strategy have been submitted as part of the application, summarised below.

6.106 The site is situated within Flood Zone 1 and is assessed as having a low risk of flooding from fluvial sources. According to the Environment Agency (EA) definition of Flood Zone 1, land within this zone has less than a 0.1% chance of fluvial flooding in a given year. EA surface water mapping indicates that the

majority of the site is at a very low risk of surface water (pluvial) flooding, meaning a less than 0.1% chance in a given year.

- 6.107 Because the site is situated in Flood Zone 1, the proposed development is automatically deemed suitable under NPPF requirements with no Sequential Test or Exception Test required. The proposed drainage strategy will mitigate any significant flood risk applicable to the site, therefore no further assessment is deemed necessary.
- 6.108 A surface water drainage strategy is proposed to manage the increase in surface water discharge caused by the impermeable surfaces within the new development. This strategy proposes surface water be attenuated below ground and discharged via a new surface water sewer to a nearby ordinary watercourse/land drain south-west of the site. A conservative approach to groundwater flood risk is taken given the potential vulnerability of the site. However, there is no known history of groundwater flooding, and industry-standard waterproofing of ground floor level(s) is likely to mitigate any flood risk to buildings (no basements are proposed) and exterior groundwater discharge at the surface could be managed by the surface water drainage strategy, which does not rely on infiltration to ground.
- 6.109 The development consists of a number of different usage areas, and to reflect the different storage and treatment requirements, has been divided into a number of sub-catchments. Uncontaminated roof water will discharge untreated at a controlled rate of discharge, whilst runoff from access road, car parking and HGV tracking areas will undergo a combination of treatment via permeable paving, trapped road gullies and a Type I hydrocarbon interceptor.
- 6.110 In the absence of an adjoining watercourse or surface water sewer, and as infiltration is not viable, a new requisitioned sewer will make a connection to an existing water located beyond the A20 Ashford Road. The watercourse, a tributary of the River Len, will have a new incoming connection constructed, consisting of a new headwall. The peak discharge to the watercourse will be 8.4l/s, which is the equivalent greenfield rate for the 2.25 ha of impermeable area.
- 6.111 Foul water will be collected via conventional means but discharged via a new pumping station to an existing foul connection belonging to the Woodcut Farm development along Ashford Road. The peak pumping capacity will be 1l/s.
- 6.112 In summary, the submitted Flood Risk Assessment concludes that any flood risk can be successfully managed over the lifetime of the development, taking into account climate change and is appropriate for the low vulnerability of the proposed development. The proposed drainage strategy demonstrates that surface runoff and foul water can be discharged successfully, utilising SuDS principles, without causing a detrimental impact to water quality or increasing flood risk elsewhere. The proposed

development therefore accords with Local Plan Policy DM3 and NPPF paragraphs 159, 167 and 169, and is acceptable in this regard.

External Lighting

6.113 Adopted Local Plan Policy DM8 – External Lighting states that proposals must meet the following criteria:

- i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed;
- ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and
- iii. The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.

6.114 NPPF paragraph 185(c) states the new development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

6.115 An External Lighting Assessment report has been submitted that states the scheme design has been informed by the following principles and requirements:

- Provide a level of lighting on site that meets the client brief and requirements set out within the relevant British Standards (BS);
- Provide safe conditions across the site;
- Reduce any adverse impact of the installation on neighbouring areas; and
- Reduce any adverse impact on the local environment, particularly sensitive landscapes, nearby wildlife sites, protected species, and their habitats.

6.116 In addition to the above principles, light spill has been considered in scheme design and minimised as far as possible, with key elements of the scheme being:

- Car parking area to feature 6m high lighting columns with LED light source
- HGV loading area to feature pole and wall mounted at 8m in height with LED light source

- 6.117 The site location has been considered to be Environmental Zone “E2” (rural area) in ILP guidance and the scheme has been designed to be within the maximum vertical illuminance level of 5 lux (pre-curfew) and 1 lux (post-curfew).
- 6.118 All columns have been orientated so as to minimise light spill on the adjacent and nearby boundaries. The impact on potential ecological and landscape receptors, particularly the areas of hedgerow to the north and south, has been mitigated as far as reasonably practicable. Additional measures such as dimming, and use of sensors will further control external lighting if considered necessary at Reserved Matters Stage.
- 6.119 The Assessment Report clearly demonstrates that the proposed development can be designed to the appropriate lighting standards and minimise lighting impacts on ecological and landscape sensitive areas and the site surroundings, whilst also maintaining safe operation in external areas of the site. The proposed development therefore complies with Local Plan Policy DM8 and NPPF paragraph 185(c).

Heritage

- 6.120 Policies SP18 and DM4 of the Local Plan relates to development that affects designated and non-designated heritage assets. It states that proposals affecting heritage assets are expected to conserve and where possible enhance the significance of the heritage asset and, where appropriate, its setting. This is consistent with the sentiment of paragraphs in Chapter 16 of the NPPF.
- 6.121 NPPF Paragraph 194 states that where a development site has or has the potential to include heritage assets with archaeological interest an appropriate desk-based assessment and where necessary a field evaluation should be carried out. Paragraph 199 states that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm to its significance. Paragraph 200 follows on stating that any harm to, or loss of significance should require clear and convincing justification.
- 6.122 As desk-based Heritage Assessment (supported by a Geophysical Survey Report) has been carried out that draws together the available archaeological, historic, topographic, and land-use information in order to clarify the archaeological potential of the site and impacts on the significance of any heritage assets.

Archaeology

- 6.123 The submitted Assessment has been undertaken in accordance with the *Standard and Guidance for Historic Environment Desk-Based Assessment* (Chartered Institute for Archaeologists 2020) and includes

the results of a site survey, an examination of published and unpublished records, and charts historic land-use through a map regression exercise.

- 6.124 Based on this information, the application site is considered to have low potential for archaeological remains dating to all periods, and that any previously unrecorded archaeological remains would likely be of low/local significance.
- 6.125 The groundworks associated with the construction of the proposed development have the potential to have below ground impacts upon any previously unrecorded archaeological deposits which may survive within the study site. However, impacts upon archaeological deposits can be mitigated for in advance of, or during construction works. We envisage that consultation with the Kent Heritage Conservation Team will be undertaken as part of the process to determine the necessity and scope of any required further archaeological works.

Built Heritage

- 6.126 The Assessment considers the potential effects of the proposed development on the significance of built heritage assets. A search with a radius of 1km from the boundary of the application site was carried out which identified 13 listed buildings, one conservation area and one registered park and garden (see Figure 4 of the submitted Heritage Assessment for their locations). The listed buildings are all grade II listed, broadly dating from the 17th to 19th centuries, with the closest of these being approximately 300m from the application site (Old England Cottage, listing no.1060822). The Eyhorne Street Conservation Area is approximately 700m to the east of the site and includes a number of listed buildings. The grade II* listed registered park and garden of Leeds Castle is located over 800m to the southeast of the site.
- 6.127 Given the distance of these assets from the site, and the presence of modern development, such as the M20, and vegetation cover limiting intervening views, the proposed development is not considered have any impacts on these assets.
- 6.128 It has therefore been demonstrated that any archaeological impacts would be of low significance and could be mitigated during the construction process, and that there would be no harm caused to the significance of built heritage assets near to the application site. The proposed development therefore accords with the requirements of Local Plan Policies SP18 and DM4 and the relevant paragraphs of the NPPF.

Minerals Safeguarding

6.129 The site is located within a mineral safeguarding area, with KCC Minerals and Waste Plan Policy DM7 setting out eight scenarios where new development would be considered acceptable.

6.130 IC Planning have prepared a Mineral Safeguarding Assessment in support of this Outline Application. The submitted Minerals assessment concludes that the extraction of the mineral from the site would not be viable or practical for numerous reasons including:

- The supply of the minerals within Kent is in surplus and therefore there is no demand until at least 2037;
- The sand is found in a significantly thinner resource than is currently being extracted elsewhere in Maidstone and the site area is significantly smaller making mineral extraction economically unviable;
- Existing constraints on site (residential receptors, road and gas infrastructure) have effectively sterilised the mineral resource found

6.131 In light of the above, the mineral resource found on site cannot be extracted in a viable or practical manner and as such the development proposals satisfy Policy DM7 (criterion 2).

Agricultural Land Quality

6.132 The NPPF encourages planning decisions to recognise the economic and other benefits of the best and most versatile agricultural land (BMVAL) and try to use areas of poorer quality land instead of higher quality land. Notably this is a preference, as opposed to any absolute prohibition on the use of higher quality land and is subject to justification.

6.133 Agricultural land is graded using the Agricultural Land Classification (ALC) system. This system classifies land into five grades according to the extent to which physical or chemical characteristics impose long term limitations on the agricultural use of a site for food production:

- Grade 1: Excellent Quality Agricultural Land;
- Grade 2: Very Good Quality Agricultural Land;
- Grade 3: Good to Moderate Quality Land;
- Grade 4: Poor Quality Agricultural Land;

- Grade 5: Very Poor Quality Agricultural Land;

6.134 We have reviewed the Site's agricultural land quality using Natural England's Classification map for London and the Southeast (ALC0007). The Site is classed as Grade 3 land (Good to Moderate Quality).

6.135 We consider that the use of the site would only address a small area of agricultural land from within the Borough, noting also that across the country the total land area in agriculture was stated by DEFRA in 2020 to stand at 17.5 million hectares, accounting for 72% of the total area of land. The majority of the agricultural land within the region is considered to also comprise Grade 3 land. On balance, given the substantial economic benefits associated with the proposed development, which meet a regional need, the loss of a small proportion of Grade 3 agricultural land (of which is widespread in the region) is considered to be acceptable.

Planning Assessment Summary

6.136 This Chapter has demonstrated that the proposed outline scheme has been designed to comply with all the relevant policies of the adopted Development Plan.

6.137 In terms of the principle of development, there is a demonstrated need for new B8 development in Maidstone Borough so there is no conflict with Local Plan Policy SS1, while SP17 permits development outside settlement boundaries where there is no other policy conflict and no harm to landscape character. This is supported by paragraph 85 of the NPPF. In terms of environmental and technical matters, the requirements of Local Plan policies and the NPPF have been met, with the scheme design incorporating adequate mitigation where necessary so as not to result in significant levels of harm being caused.

6.138 There are no paragraphs the NPPF that would provide a clear reason for refusal and the proposal is considered to deliver sustainable development. The benefits of the proposal are weighed against any apparent harm in Chapter 8 of this Planning Statement.

7. Planning Obligations & CIL

Planning Obligations

7.1 Local Plan Policy *ID1 Infrastructure Delivery* states that infrastructure priorities for business and retail development are:

- Transport
- Public realm
- Open Space
- Education
- Utilities
- Flood defences

7.2 Paragraph 55 of the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 goes on to state three tests that all must be adhered to in order for a planning obligation to be lawful, as follows:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

7.3 Transport is considered to be the only infrastructure priority set out in Policy ID1 that could be directly related to the development. We would expect to have discussions during the determination process with the Highways Authority (KCC) regarding the following transport matters:

- Travel Plan Monitoring Fee
- Safeguarding part of the A20 directly adjacent to the application site entrance to enable the delivery of a roundabout, should the promoted residential scheme on the opposite side of the A20 come forward in the future (see paragraphs ... of the submitted Transport Assessment for further details).

CIL

7.4 Table 2 on p.7 of Maidstone's Adopted CIL Charging Schedule sets out the CIL charging rates as follows:

Development Type / Location	CIL Charge (£ per sqm)
Residential (Within the Urban Boundary)	£93
Residential (Outside the Urban Boundary)	£99
Site H1 (11) Springfield, Royal Engineers Road, Maidstone	£77
Retirement and extra care housing	£45
Retail - wholly or mainly convenience	£150
Retail - wholly or mainly comparison (Outside the Town Centre Boundary)	£75
All other forms of CIL liable floorspace	£0

Table 2: CIL Charging Rates

7.5 Being a B8 use employment site, the proposed development would be liable for a CIL charge of **£0**, as per the final row of Table 2 shown above.

8. Planning Balance and Conclusions

- 8.1 This chapter balances the benefits of the proposed development against any harm that might be caused as a result of it being delivered. The NPPF states that planning decisions should achieve sustainable development, which comprises economic, social and environmental objectives; this chapter has been written in this context.

Economic Considerations

- 8.2 There are clear economic benefits of the proposal in that it would deliver a B8 warehouse development in an area where there is a significant need for B8 floorspace, and it is expected to generate close to 200 direct and indirect jobs, resulting in approximately £4.7m GVA annually. It is evident from analysis in the ENS document that the market requirements delivered by the proposed development could not be met by the existing or proposed employment floorspace supply in Maidstone Borough. The proposed development would also contribute to counteracting suppressed demand in the M20 corridor sub-region, enabling implementation of the SELEP's Global Gateway Strategy and supporting freight/logistics distribution, resulting in wider economic benefits. The site has direct access to the strategic highways network which is a specific locational requirement for the logistics sector and is adjacent to an existing employment development; both of these are recognised by the NPPF and are beneficial to the operation of the site.
- 8.3 In contrast, the development would result in the loss of an isolated field used for agriculture, resulting in a loss of revenue for the farmer. As raised above, the site is considered to be Grade 3 agricultural land, however, this is widespread in the region.
- 8.4 On balance, the proposed development would result in greater economic benefits than the current agricultural use and the NPPF supports the efficient use of land. It would support economic growth and productivity both locally and across the M20 corridor, therefore the economic benefits are given significant weight in favour of the development, as per paragraph 81 of the NPPF.

Social Considerations

- 8.5 The proposed development would generate a substantial amount of employment during both the construction and operational phases, and it is estimated that the majority of employees would live within the local travel to work area. Given the uncertainty of job security in the current economic climate, this is of great importance to the local working population. Access to employment is a key component of sustainable development and it plays a key role in helping to safeguard mental wellbeing and also in ensuring low levels of crime.

- 8.6 There is not considered to be any harm caused by the proposed development in terms of social considerations. The benefits outline above should therefore carry substantial weight in favour of the development.

Environmental Considerations

- 8.7 The application site is currently of low ecological value, and this would be improved through a landscaping scheme that would deliver biodiversity net gain through native species planting and habitat creation, improve the visual appearance of the site, and contribute screening of the site. In terms of sustainability, the proposals also demonstrate that BREEAM "Excellent" can be achieved which exceeds the local policy requirement. The proposed drainage strategy would ensure no harm is caused relating to flooding or water contamination, there would be no harm to built heritage assets, and the generation of vehicle movements is forecast to be successfully accommodated within the existing highways network. Related to this, there is a proposed connection to an existing footway/cycleway and the proposed EV charging provision will encourage sustainable travel to/from the site. These are all benefits that weigh in favour of the development.
- 8.8 The proposed development would generate air, noise and light emissions, and there is a low-risk harm in terms of archaeological harm. However, these can all be adequately controlled by mitigation to be within acceptable, policy compliant levels. The site is also within a mineral safeguarding area, however the proposals comply with relevant Development Plan policy. These considerations therefore should not weigh against the development.
- 8.9 Landscape impact is a key consideration, given that the site is located in the setting of both an AONB and a Landscape of Local Value. NPPF paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The proposal would result in a large new building within the setting of two areas of landscape sensitivity and would therefore create an element of harm in terms of landscape impact. However, this area of the landscape is already compromised by significant highways and rail infrastructure (as stated in the Landscape Character Appraisal), and the adjacent Woodcut Farm development sets a precedent for large-scale employment development as being acceptable in this broad location. The submitted LVIA demonstrates that the building would be read as extension of the existing built development at Woodcut Farm due to its proximity. It also demonstrates the building can be substantially screened due to the site having a degree of containment, and also through mitigation such as perimeter vegetation planting, vertical climbers on the building, and lack of visibility from areas surrounding the site. The LVIA concludes that there would not be a significant adverse impact on the landscape, therefore minimal weight is therefore afforded to landscape harm.

- 8.10 As raised above, the site is considered to be Grade 3 agricultural land. However, Grade 3 land is widespread in the region and the site area comprises just a fraction of this.
- 8.11 When viewed as a whole, it is considered that the significant economic benefits, the social benefits and the stated environmental benefits would outweigh the level of harm caused in terms of landscape impact and loss of agricultural land. Consequently, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of planning permission being granted.

Conclusions

- 8.12 This Planning Statement and the accompanying ENA clearly demonstrates there is a clear need for B8 floorspace in Maidstone Borough to deliver economic growth, and this would not be met through the provision proposed in the adopted Local Plan or draft Local Plan Review.
- 8.13 The presence of the neighbouring Woodcut Farm employment sets the precedent that large-scale employment development is acceptable in this broad location, and the proposed development could be considered an extension of this. The NPPF encourages the clustering of similar industries and recognises specific locational requirements of the logistics industry. Being at M20 J8, the site is ideal, having direct access to the strategic highways network with good connectivity to London and the south-east, the Thames sea ports and sea/rail ports on the south coast. In addition, paragraph allows the flexibility for sites outside of designated settlements to come forward where there is a demonstrated need.
- 8.14 It has been established that an acceptable scheme design can be achieved on the site that would be policy compliant, and deliver economic, social and environmental benefits, with any harm adequately mitigated.
- 8.15 On balance, and when assessed against the development plan as a whole, together with relevant material considerations, the benefits of the proposal outweigh the harm. The proposed development constitutes sustainable development and therefore planning permission should be granted, as per paragraph 11 of the NPPF.

Appendix I

MBC Pre-app Response



Tom Lamshead
tom.lamshead@eu.jll.com

16th March 2022

Dear Tom Lamshead

APPLICATION REF: 22/500541/PAMEET
PROPOSAL: Development of a circa 12,230m² industrial warehouse (B8 use) and associated parking, landscaping and access.
ADDRESS: Land North of the A20, Hollingbourne, Maidstone, Kent.

I refer to your request for pre-application advice regarding the above location and proposal. Please find my advice below which follows the meeting held on 4th March.

Proposals

You are seeking advice on a proposed warehouse (total 12,230m² of which 706m² would be offices) sited on the east side of the site with service and parking areas in front. Access would be near the west edge of the site and new landscaping is shown along the south boundary and around the entrance. The details outline the building would be 15m in height and there would be 24 HGV, 104 car, 12 motorcycle, and 78 cycle parking spaces.

Advice

Planning Policy

The site is located in the 'countryside' for planning purposes where policy SP17 is relevant and under part 1 states:

Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

There are no other policies in the Local Plan which support economic development on undeveloped sites in the countryside apart from the suitable expansion of existing businesses under policy DM37. Your proposal is a stand-alone development

Planning and Development

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ
e: planningtechnicalteam@maidstone.gov.uk w: www.maidstone.gov.uk

and does not fall under policy DM37. As such, the principle of the development is contrary to the Development Plan.

Landscape Impact

The proposed development would cause significant harm to the local landscape and the setting of the Kent Downs AONB. It is of a significant scale protruding southward of the Woodcut Farm allocation and will be highly visible from the A20, the link road between the junction 8 of the M20 and the A20, and from Old Mill Road to the south. I do not consider new landscaping could suitably mitigate this impact. There may also be other medium to long range views from the AONB but this is unknown at this stage.

Whilst the Woodcut Farm development will change the local context when completed, this development was judged to cause significant harm itself but was allowed through the detailed Local Plan process and is subject to substantial safeguards relating to landscaping, limits on building sizes and height, building designs etc. Further standalone built development, with a larger and taller building, and extending further southwards into an arable field is not justified because of this employment allocation. At the meeting, reference was made to the building not extending above the streetlights on the A20 when viewed from the south but there is an enormous difference between the impact of slender streetlights and a large warehouse.

Need

Your case centres on your view that there is pressing need for B8 development in this location. At the meeting you confirmed the site was put forward for employment use in connection with the emerging Local Plan Review (LPR) but as you know it has not been allocated in the Regulation 19 version. The Council's view is that the site is not required to meet employment needs for the LPR. You stated at the meeting that even if there was not an emerging Local Plan you consider the need is such that it weighs in favour of granting permission at the site, and as the NPPF seeks to boost employment.

The current Local Plan is the starting point for a decision on any application and my views on this are set out above. In terms of the emerging Plan, in the opinion of the LPA, there is no requirement for this site to be allocated to meet future needs. So, in our opinion there is not a 'need argument' to be balanced against the conflict with the Local Plan and harm. Notwithstanding this, the development causes significant harm and any benefits in my view do not outweigh this harm. The NPPF supports 'sustainable' economic growth but I do not consider this means development that is significantly harmful to the environment and for which there is no overriding need.

Other Matters

There is little detail of the building design but the principles required at Woodcut Farm would be a useful guide to follow. A Transport Assessment will be required

with any necessary mitigation proposed as part of an application and I would advise seeking pre-application advice from Kent Highways and National Highways. Improvements to public transport and improved access to the site other than by car should be sought. The development is within the vicinity of some heritage assets (Woodcut Farmhouse GII, Old England Cottage GII, Leeds Castle GI and its grounds) so a Heritage Assessment will be required. An LVIA will be required including views from the AONB and we would expect at least a 10% biodiversity net gain. SUDs should be proposed and renewable energy measures.

Conclusion

The proposed development is not in accordance with the Local Plan and in my view would cause significant harm to the local landscape and setting of the Kent Downs AONB. There are not considered to be any benefits or material considerations to outweigh this conflict with the Development Plan or harm. The LPA would therefore not support your proposals.

The advice given above does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith and to the best of ability, without prejudice to the formal consideration of any resulting planning application. The final decision on any application will only be taken after the Council has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by senior officers or by the Council's Planning Committee and will be based on all of the information available at that time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Timms', with a horizontal line underneath.

For Head of Planning & Development

Richard Timms
01622 602325

Appendix II

Extract of Savills LPR evidence

Woodcut Farm, Maidstone

Industrial & Logistics and Office Market Assessment

December 2021

5 Future I&L Floorspace Demand

5.1 Introduction

- 5.1.1 The purpose of this section is to estimate Maidstone's future I&L land demand and compare this with the labour demand method estimates for I&L uses in the MEDNS (2020).
- 5.1.2 We present below Savills full methodology for estimating future I&L demand. Our methodology is considered to address the issues we raised against the MEDNS in **Section 2**. Our methodology is NPPG-compliant as it builds upon historic take-up, adjusting past trends for historic supply shortages and the subsequent loss in demand. We refer to this as 'suppressed demand' which is added to the historic demand trend as a top-up. We also factor in future growth linked to e-commerce.
- 5.1.3 The results of the Savills' methodology, when compared with the MEDNS, yields a **figure of 382,275 sqm of I&L floorspace** over the plan period, This is 314,100 sqm higher than the MEDNS estimate. The Subject Site is ideally placed to capture part of this future demand and therefore should be considered primarily as an I&L location. As discussed previously, significant levels of office space will still come forward as part of the new I&L premises.

5.2 Estimated Future Demand

Net absorption as a lead indicator of historic demand

- 5.2.1 The leading demand measure of floorspace is "net absorption", which indicates the quantum of net floorspace occupied over a period of time (i.e. move-ins minus move-outs) based on leasing deals. Development completions on the other hand is a supply measure (rather than a demand measure) which calculates new floorspace delivered. While new floorspace can be delivered on existing sites through redevelopment and intensification, it mainly depends on new employment sites being made available (allocated) for development via the planning system. For this reason, historic net absorption is a more accurate reflection of need than historic completions.

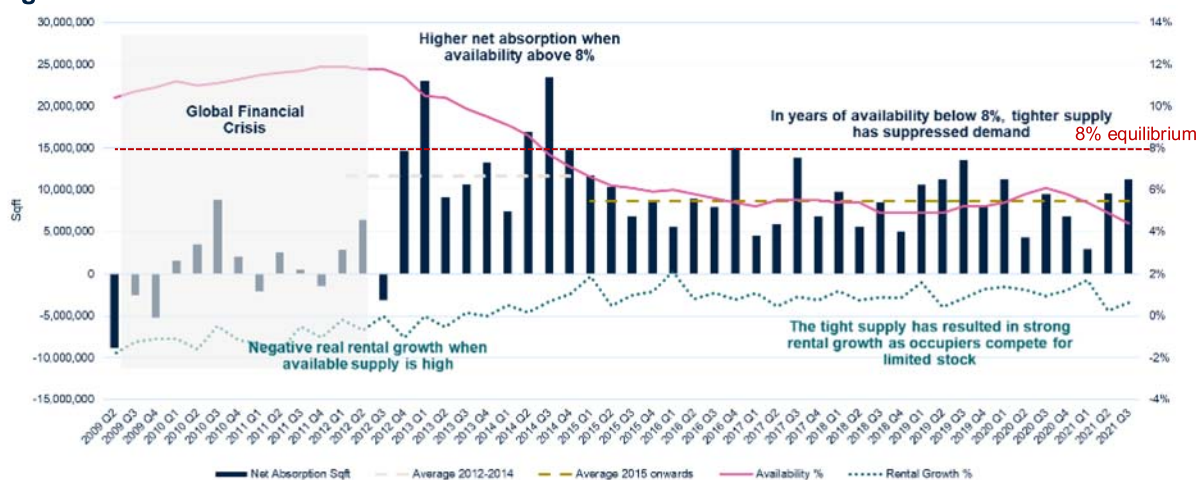
Accounting for suppressed demand

- 5.2.2 The Savills methodology also accounts for 'suppressed demand' as a top-up to the historic demand profile (based on net absorption). The rationale for accounting for suppressed demand is that when sufficient supply isn't available, demand cannot be accommodated.
- 5.2.3 Supply and demand are inextricably linked across all commercial property sectors. Put simply if demand exceeds supply, rents typically rise more quickly as occupiers vie for limited available stock. We describe a market where supply doesn't keep up with demand as being 'supply-constrained'.
- 5.2.4 Limited supply in a strongly performing market, such as Maidstone's I&L sector, means that demand cannot be fully satisfied, typically resulting in strong rental growth. As demonstrated in Section x, Maidstone's I&L rents have increased by 63.8% between 2010 and 2020, indicating new supply has struggled historically to keep pace with the strong demand. At the national level the market equilibrium level, where supply and demand are broadly in balance and rents are more stable, is around 8% availability. This benchmark rate is found in a number of prominent publications such as the GLA's Land for Industry and Transport Supplementary Planning Guidance (SPG).
- 5.2.5 If one studies real rental growth (i.e. rental growth adjusted for inflation) over the past decade at the national level and observes its relationship to availability, it becomes clear that I&L rents begin to grow

strongly when availability is below 8%. This relationship is clearly illustrated in **Figure 5.1** below. When availability was above 8% between 2009 and 2014 real rental growth (net of inflation) was either negative or only slightly positive. This enabled demand to be accommodated as sufficient supply was available.

5.2.6 However since 2015, as availability dipped below 8% and has stayed below this level ever since at the national level, real rents have grown strongly year on year. During this period net absorption has been lower than the 2009-2014 period despite the I&L sector going from strength to strength. This clearly shows the suppressing nature tight availability (below 8%) has had on I&L demand nationally.

Figure 5.1 Historic Net Absorption (Sqft.), Availability (%) and Real Rental Growth (%) in England



Source: CoStar, OBR, Savills

Savills Methodology

5.2.7 Below we detail the Savills methodology for estimating future I&L land need in Maidstone. It incorporates the principles discussed above and accounts for suppressed demand in those years where supply is below the 8% equilibrium.

- **Estimation of historic demand:** this is based on annualised net absorption that as discussed in **Section 3** averaged 86,300 sqft per annum between 2011 and 2021 in Maidstone;
- **Estimation of suppressed demand:** this is the top-up figure to be added to the historic demand trend to account for years when the market was supply constrained. This measure is calculated as follows:
 1. For years where availability has been below the 8% threshold, we calculate the quantum of floorspace necessary to achieve 8% availability (Column “Av. To EQ (sqft)” in the table, calculation **F**);
 2. We then take the average of the ratio between net absorption and available floorspace for every year over the past decade (Calculation **E** averages 52% based on Column “Net Absorption / Availability”);
 3. We apply this average to the estimated floorspace required to reach 8% availability in each period where the market is below the 8% availability threshold to estimate each

period's suppressed demand (Calculation $F \times E$ in Column "Suppressed Net Absorption (sqft)");

- We calculate average suppressed net absorption over the past decade. This gives the annualised suppressed demand figure to be used as a top-up to the historic trend.

- Table 5.1** shows the relevant calculations.

Table 5.1 Estimating Suppressed Demand in Maidstone

	A	B	C=(A*B)	D	D/C	F=(8%*-B)*A	F*E
	Inventory (sq.ft)	Availability (%)	Available (sq.ft)	Net Absorption (sq.ft)	Net Absorption/ Availability	Av. To EQ (sq.ft)	Suppressed Net Absorption (sq.ft)
2021 YTD	6,558,386	1.4%	91,817	95,021	103.5%	432,853	226,654
2020	6,558,386	3.5%	229,544	- 13,409	-5.8%	295,127	-
2019	6,542,296	2.7%	176,642	333,300	188.7%	346,742	181,564
2018	6,174,607	3.3%	203,762	- 11,324	-5.6%	290,207	-
2017	6,212,731	3.4%	211,233	- 32,196	-15.2%	285,786	-
2016	6,212,731	1.3%	80,766	80,470	99.6%	416,253	217,962
2015	6,164,156	2.5%	154,104	178,117	115.6%	339,029	177,525
2014	6,124,954	4.7%	287,873	41,329	14.4%	202,123	105,838
2013	6,011,627	4.7%	282,546	70,623	25.0%	198,384	103,879
2012	6,011,627	6.3%	378,733	180,566	47.7%	102,198	53,514
2011	6,011,627	8.4%	504,977	19,432	3.8%	- 24,047	-

E= Average

Suppressed Demand = Average

Source: Savills

- The estimated suppressed demand figure for Maidstone is 97,700 sqft per annum.
- Projecting forward the combined historic and suppressed demand:** this step requires adding the combined annualised historic and suppressed demand figures (86,300 sqft + 97,700 sqft), totalling 184,000 sqft per annum, and multiplying this by the number of years in the plan period (184,000 sqft x 15 years), which gives 2.76 million sqft.
- Adjusting for current and future increases in online retail:** Our analysis of leasing activity since 2011 in Maidstone indicates that 50% of industrial demand is linked to e-commerce¹⁹. 50% of projected demand corresponds to 1.37 million sq. ft (50% * 2.76 million sq. ft) over the plan period. Forecasts of online sales annual increases are projected to be 99% above the historic trend²⁰. Applying this 99% uplift to the historic and suppressed demand from e-commerce sectors yields a future demand of 2.72 million sq. ft over the plan period. This equates to an uplift of 1.35 million sq. ft (**Table 5.2**).

¹⁹ CoStar (2021): Leasing activity in the sectors 'Transportation and Warehousing'; 'Retailer'; and 'Wholesaler'

²⁰ Forrester Research – Online Retail in UK, 2002-2025: We look at the uplift in online retail spending between 2022 and 2025 versus the average for 2011-19

Table 5.2 Adjusting for Current and Future Increases in Online Retail

Demand	Annual (sq. ft)	Over Plan Period (sq. ft)
E-commerce related (50% of historic + suppressed)	91,300	1,369,900
E-commerce related after 99% uplift	181,600	2,724,400
E-commerce demand uplift	90,300	1,354,500

Source: Savills (2021)

5.2.8 We note that the MEDNS allows for a 10% safety margin. However, we consider this arbitrary and therefore we do not include it in our demand estimates.

5.2.9 The above steps yield a total need of 4.1 million sqft over the 15 year Local Plan period to 2037, as summarised in **Table 5.3**

Table 5.3 Summary of Future Demand

Adjustment Type	Adjustment (sqft) p.a.	Total floorspace (over 15-year plan period)
Historic Demand (Net Absorption)	86,300	1,294,300
Suppressed Demand	+ 97,700	1,466,000
E-commerce-related Uplift	+ 90,300	1,354,500
TOTAL		4.1 million sq.ft

Source: CoStar, Savills

5.3 Future Demand vs. MEDNS Estimates

5.3.1 In **Table 5.4** below, we compare Savills future demand estimates with the MEDNS. To do this, we first convert the Savills estimate of 4.1 million sq.ft over the plan period into sqm (consistent with the MEDNS). It can be seen that Savills' demand estimates for future I&L floorspace in Maidstone are more than 5 times that of the MEDNS, at 382,275 sqm. This shows that the MEDNS has significantly underestimated future I&L demand by 314,100 sqm over the plan period, reflective of its shortcomings discussed in **Section 2**.

Table 5.4 Savills Maidstone Future I&L Floorspace Demand Estimates vs. MEDNS (2020)

Methodology	Future I&L Floorspace Demand Estimate (sqm)
Savills' Suppressed Demand Methodology	382,275
MEDNS Labour Demand Methodology	68,175
Difference between estimates	+314,100

Source: Savills

Appendix III

AY The Value of Logistics Report

newlands
developments

THE VALUE OF LOGISTICS

FEBRUARY 2022

**AVISON
YOUNG**





smart
garden
garden

00
CONTENTS

01	Introduction	04
02	New Drivers of Demand	06
03	Changing Operational Approaches	16
04	Changing Types and Locations	24
05	The Need is Now	32
06	The Risk of Missed Opportunities	38
07	Our Asks	46

01

INTRODUCTION



Today the logistics and distribution sector is a major contributor to the UK economy employing over **2.7 million people** and contributing over **£124 bn of GVA** - 10% of the UK's total economic output.

The sector must be viewed as essential infrastructure that underpins how our economy and society functions – delivering component parts to businesses, stock to shops, supplies to hospitals and products directly to our homes.

As efficient supply of goods becomes even more central to our way of life, and environmental sustainability becomes an increasingly important consideration, the provision of the right space in the right locations is critical. However, land supply has not kept pace with demand and now acts as a major barrier to growth and prosperity.



02

NEW DRIVERS OF DEMAND

A variety of forces have combined to generate heightened demand for industrial and distribution space; however there is inadequate provision of employment land to capitalize on this significant opportunity.

Over the past 5 years the UK economy has experienced significant changes. The COVID-19 pandemic has accelerated trends and brought the critical role of the logistics sector into sharp focus. However, wider changes to consumer and business behaviour were already underway and influencing demand for property across the UK.

A combination of changing consumer demand and the emergence of new sectors provide new economic drivers for the demand for large spaces in well connected locations. These are not captured in historic economic forecasts and, therefore, are not included in most of the evidence base reports that direct local employment land policy.





THE ROLE OF E-COMMERCE

Even before the onset of the pandemic in early 2020 the UK had one of the highest levels of online expenditure in the world – with 19% of all expenditure happening online in 2019 compared to 15% in Germany.

Unsurprisingly, with the closure of physical retail stores for a large part of 2020, this figure increased substantially to an average of 26% of all sales in 2020 happening online having peaked at 36% in late 2020.

Whilst the rate of expenditure has decreased slightly, there is no sign that it will return to pre pandemic levels. Indeed, forecasts by Experian (October 2020) indicate that online sales could reach at least 30% of total retail sales in 2027 and 35% by 2040. This continued growth will drive further need for space.

The above reflects irreversible changes in consumer behaviour, particularly as older age groups have been forced to order items, including groceries, online and have realised how convenient this is as well as being reluctant to visit a local store due to concerns over social distancing.

Online as a % of total retail sales (to December 2021)



Source: ONS

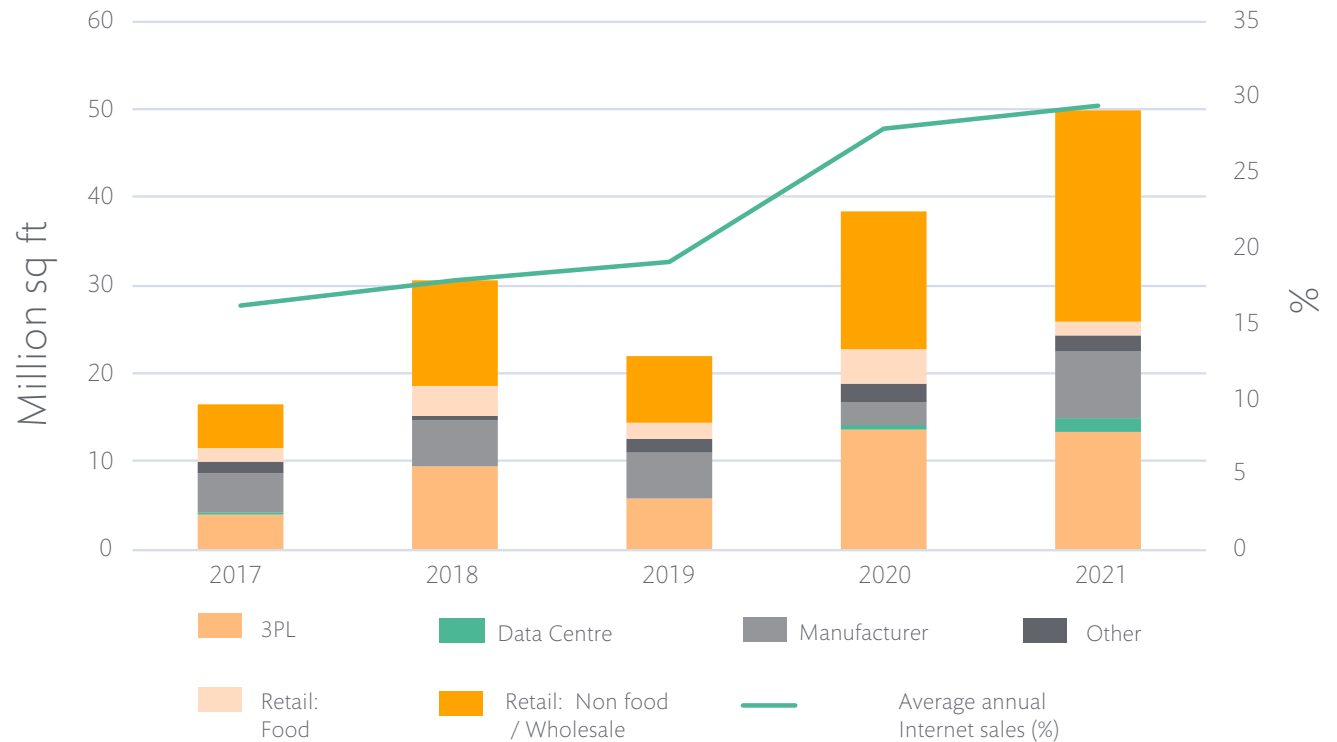
As online sales have grown as a proportion of total expenditure, demand for large distribution space has increased.

An 80% growth in online grocery shopping has seen food retailers significantly expand their distribution capacity. Reports from CoStar suggest this increase could create demand for an additional 7.1 million sqft of warehouse space to 2024.

As non-food retail has also grown online, third party logistics (3PL) operators have also been a major driver of demand as they seek space to ensure online purchases are delivered directly to consumers quickly.

As a result, between 2019 and 2020 there was a c.50% increase in the take up of large (100,000sqft) warehouse units across the UK. This resulted in a record c.36million sqft of space being leased. This continued in 2021, where record levels of big-box take up (Grade-A, 100,000+ sq ft) were achieved for the second year in a row. The amount of space taken up totalled c.50 million sq ft: a 29% increase compared to 2020.

Online Sales + Big Box Demand



Source: Avison Young

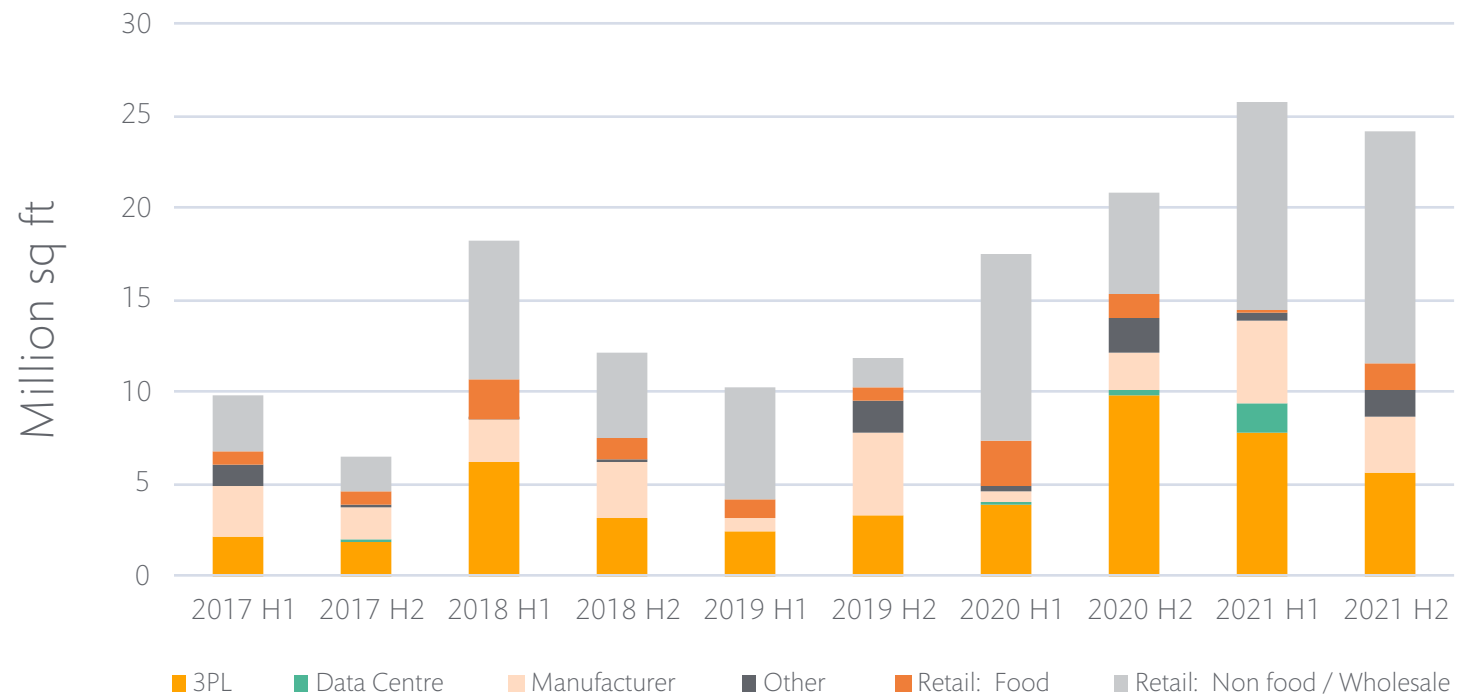
NEEDS BEYOND ONLINE RETAIL

The growth in demand from ecommerce has grabbed the headlines in recent years, however it is not the only reason demand for large, well-located space has grown so significantly.

Third party logistics activity is not solely expanding as a result of home deliveries. Many production businesses rely on 3PLs to deliver goods to business customers or supply components to them. The growth of 3PLs is therefore as much a function of how businesses produce goods as it is how they distribute them.

As the UK adjusts to life outside the EU, and the fragility of international supply chains has been revealed, there has been a notable growth in demand from manufacturers - a direct response to the re-shoring of activity and a move from 'just-in-time' to 'just-in-case' inventory management.

Sectoral Make-Up of Property Demand



Source: Avison Young

Demand for large space has also been driven by new activities and sectors that have emerged in recent years and look set to become major new components of the economy in the future.

The drive towards net zero has led to demand for more sustainable methods of construction. As a result, the UK has seen significant new demand for offsite construction manufacturing facilities, with the likes of TopHat, Swan Housing and Countryside all seeking or occupying major units over the last 2 years.

As we move towards greater use of electric vehicles (EVs) there is new demand for 'gigafactories' where vehicles and their batteries are developed. Britishvolt have been a pioneer in the UK, planning a 2.7mn sq ft factory in Blyth. A further gigafactory is being progressed at Coventry Airport. Savills have estimated that 49 million sq ft of warehouse space will be required to accommodate any further employment growth resulting from Gigafactory development.

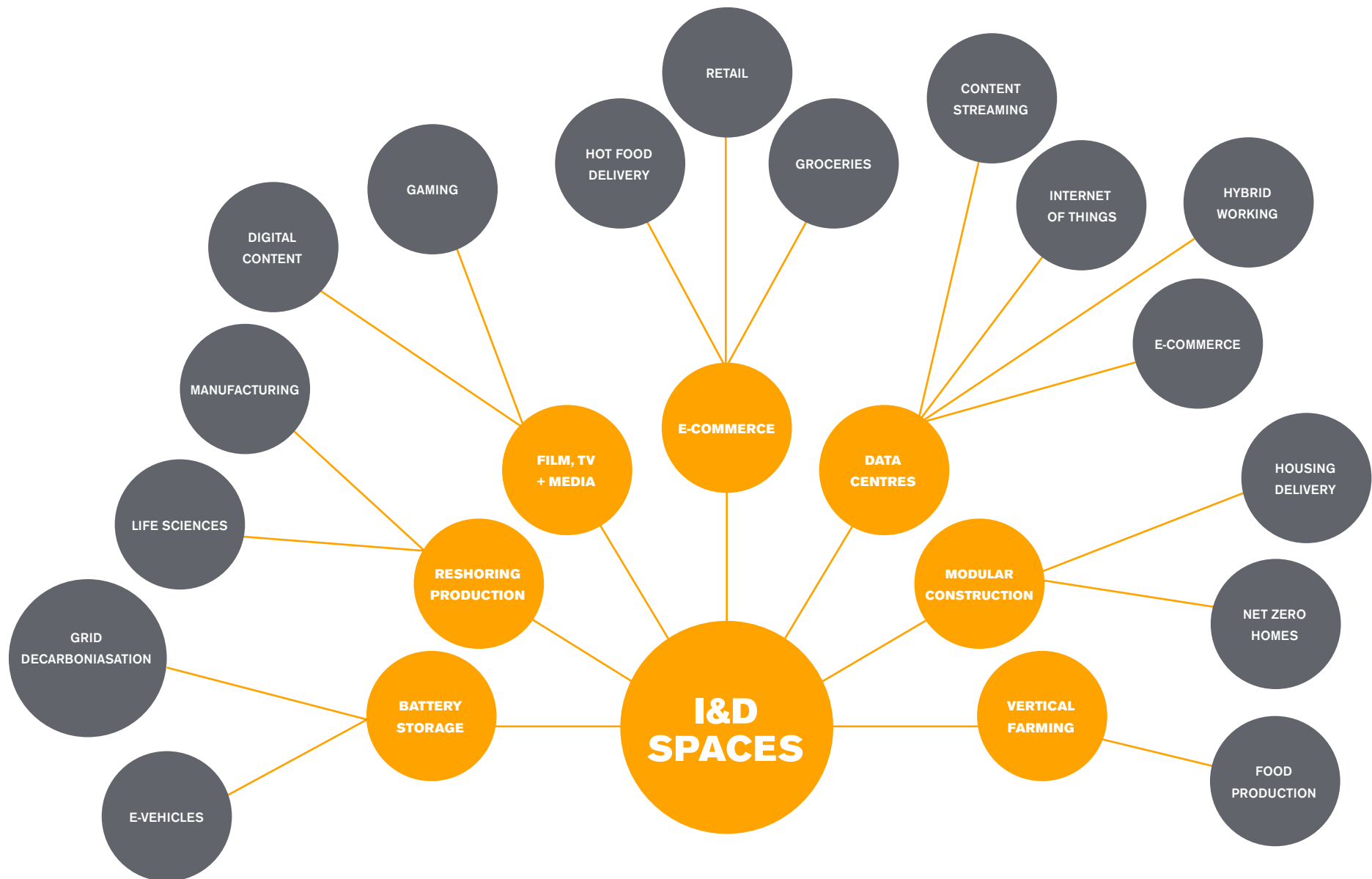
Home working and increasing demand for video streaming, social media, downloaded content for home entertainment, 'big data' solutions and cloud-based computing have driven a rapid expansion in data centre demand, with an expectation of 10% growth per annum over the next 5 years.

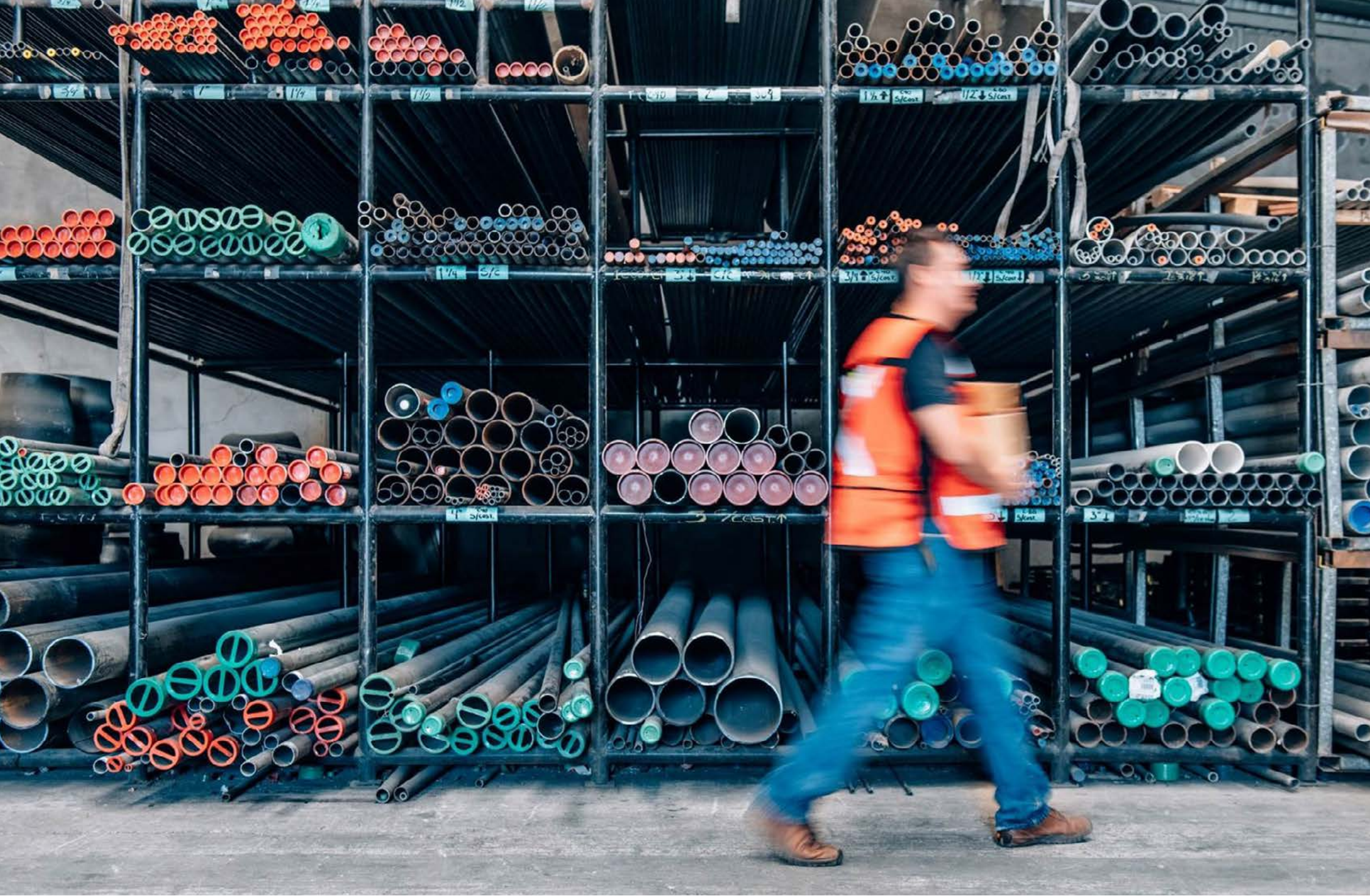
More niche activities, such as vertical farming, are also expected to expand significantly.

In many cases these emerging sectors are competing with logistics uses for the same employment land without being factored into employment land calculations – adding to the supply-side issues.



SOURCES OF DEMAND + WIDER LINKS





CAPTURING THE SCALE OF NEED

Given how new this type of demand is, it is not surprising that until very recently they have not been reflected in the employment forecasts prepared at the local authority level.

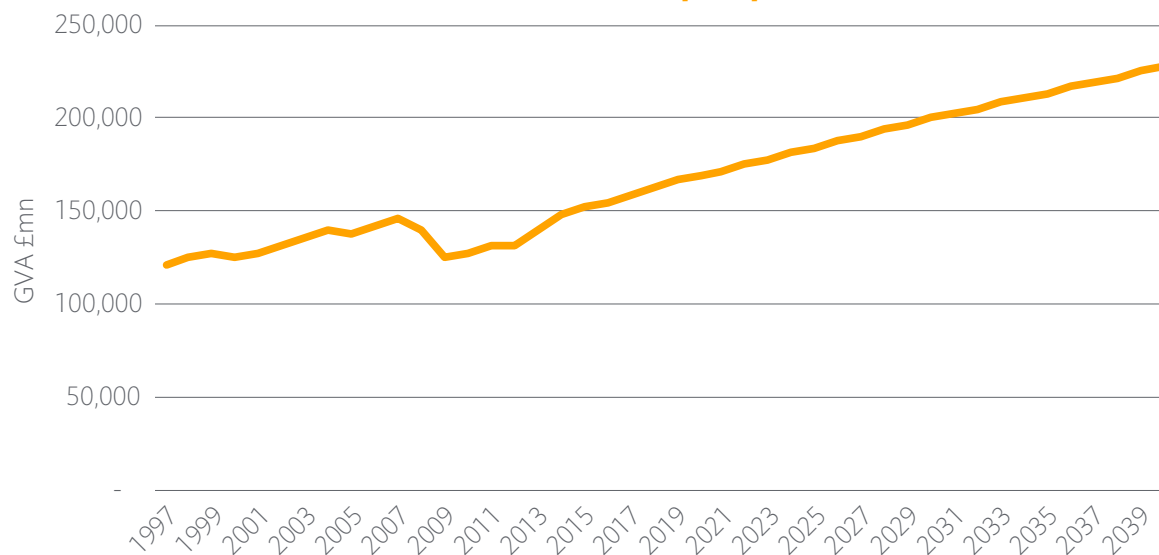
Whilst the latest forecasts do begin to take account of how these factors and trends are beginning to translate into future growth in the industrial and distribution sector, there is still some way to go to ensure the plan-making process allocates land based on specific locational requirements and plans for logistics separately from other industrial uses in line with the PPG guidance.

Recent analysis and forecasting by Experian (June 2021) shows how significant the growth in employment within the Land Transport, Storage and Post category (their proxy for the distribution sector) will be.

Over the next 20 years it is anticipated that the sector will deliver an additional £56bn per annum to the economy.

As a minimum, Experian expect an additional 450,000 full time equivalent jobs to be created in the sector, meaning over 4mn people will be employed in total.

Forecast Growth in Output per Annum



As a result of these new macroeconomic forecasts there are also changes to forecasts at the local level.

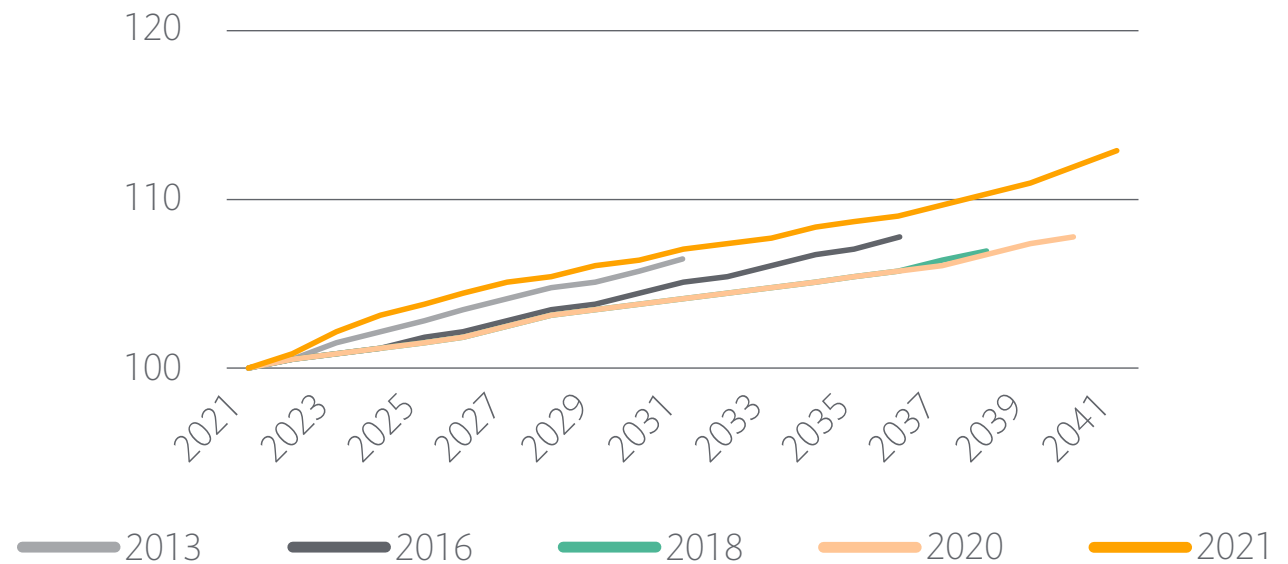
Local Market Forecasts provided by Experian (June 2021) show that, over a 20 year period, employment growth in sectors requiring large spaces would increase by 13%: much higher than any of the previous forecasts they have prepared – including those published during 2020, when real time demand was at it's highest.

As shown in the adjacent figure, historic forecasts significantly under-estimate the scale of growth in the sector over the period they covered.

This is a critical point when considering land supply as it directly shows that the basis upon which land needs have been determined fail to capture the new dynamics and needs of the sector.

If Local Plan allocations are based on these older forecasts they will underprovide land for a sector that is likely to be a significant driver of jobs and economic value in the future. This, in turn, places a constraint on growth, meaning the economy will not harness its full potential

Historic Forecast Comparisons



03

CHANGING OPERATIONAL APPROACHES



Our analysis of forecast growth shows a clear need for more land/property. However, it is likely even this underestimates the need for new development across the Country.

As we've considered there is an increase in demand from economic growth and consumer behaviour – which is growing and diversifying the sector.

The forecasts clearly reflect this, but still only capture part of the wider dynamics of the sector that themselves generate a need for new and additional space and land. Policy makers must recognise that growth of online shopping and home deliveries means that for every million new homes built, another million delivery points are created for customers who expect orders to be delivered quickly and sustainably.

Whilst sector expansion is significant, it is twinned with fundamental shifts in the operational needs and priorities of all businesses within the sector. The sector is a fast adopter of new technology to improve operations. It is also responding to the climate emergency and taking steps to enhance its performance. Both have major impacts on property needs.



THE LINK BETWEEN AUTOMATION + SPACE

Much has been made of the fast-paced adoption of new technology in the logistics sector and its impact on efficiency of deliveries management.

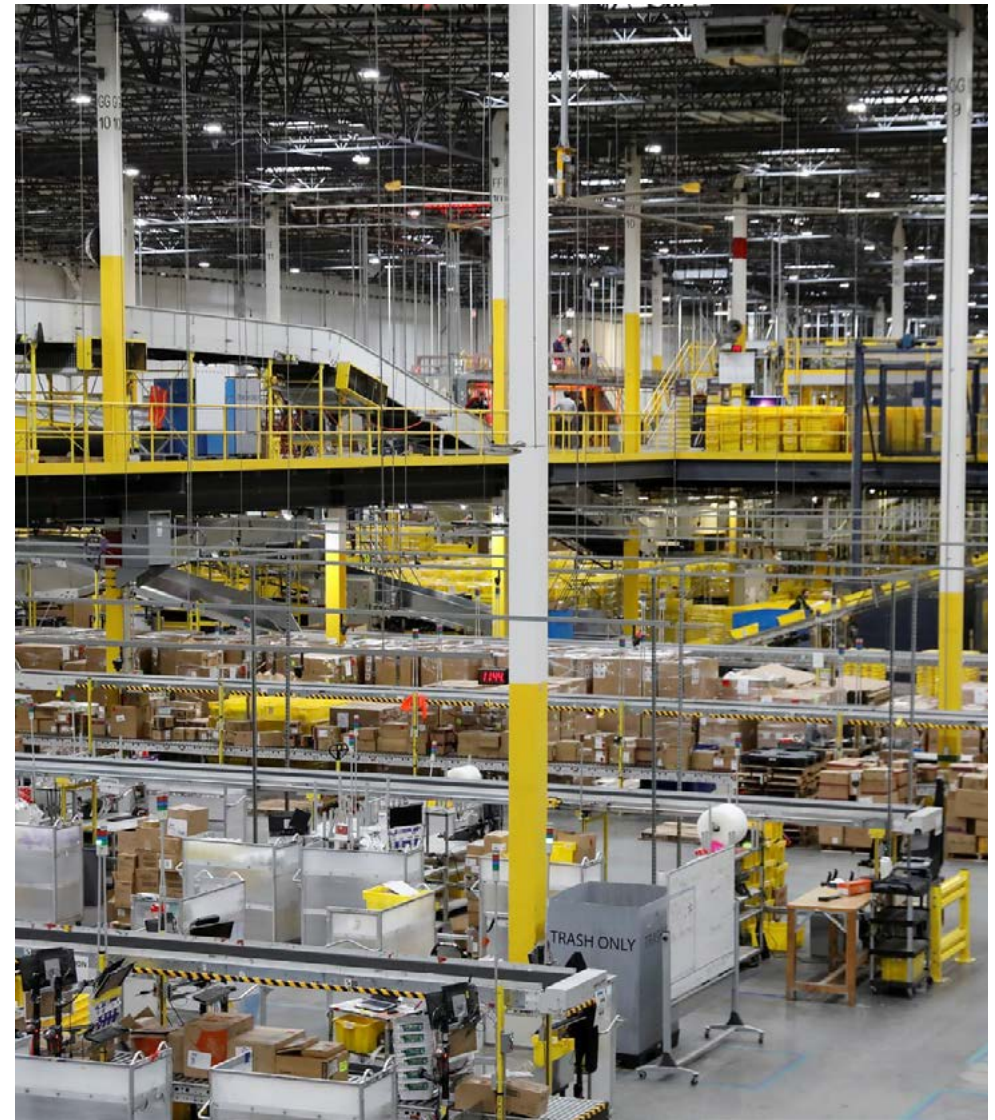
However, what is less well understood are the changes it enables within the operational estate they occupy. As a response to increases in the volume and speed at which goods are processed, logistics operators have focused on occupying more floorspace more efficiently, which is enabled by new technology.

In simple terms, automation has allowed goods to be stored vertically on taller racks. The introduction of automated vertical storage systems, such as vertical lift modules, have enabled businesses to create a saving of up to 85% on floorspace required to store goods.

Ultimately, this has meant that many operators now place more importance on building volume than building footprint. Consequently, buildings are getting larger to cope with demand volatility so a warehouse that offers scope for expansion and contraction will be best placed to meet market requirements. Operators are increasingly attracted to warehouses that are of a sufficient height to allow for internal stacking and installation of automated machinery.

The adoption of technology is gathering pace as land and floorspace become more expensive across the country.

Whilst upfront investment in the technology is expensive, it is offset by longer term savings on property costs. It also reduces the risk to workers of undertaking tasks at height, creating better working conditions for staff.



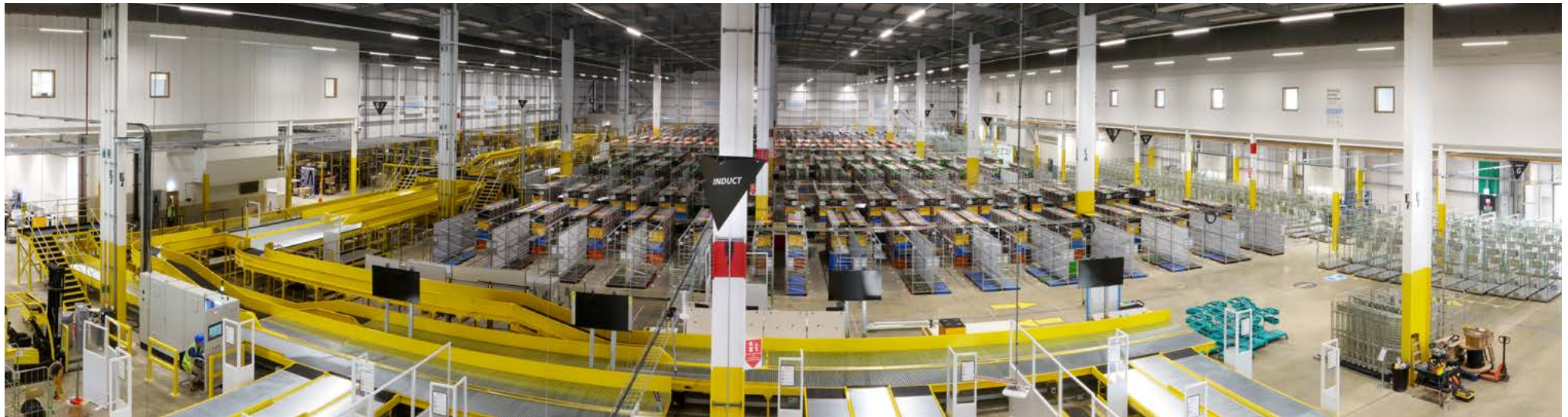
This ability to use the floorplate of a building more efficiently is driving a new generation of building typologies that accommodate more activity and output within the same built footprint.

This new building typology has allowed major retailers with a significant e-commerce presence, such as Ocado, Amazon and Tesco, to make much more productive use of sites they occupy by utilising the vertical space.

In effect, this creates a much more efficient use of land, generating higher amounts of utilised space within each hectare of land. This also means that many older employment units cannot accommodate modern operational needs due to low eaves heights and clearance.

Given the levels of automation within such buildings, the traditional relationship between floorspace and levels of employment has broken down, with the additional operational space requiring fewer additional workers.

As such, traditional approaches to understanding land needs as a function of employment growth only will fail to provide the right amounts of land capacity to meet needs.



SUSTAINABILITY CREATES NEW DEMAND

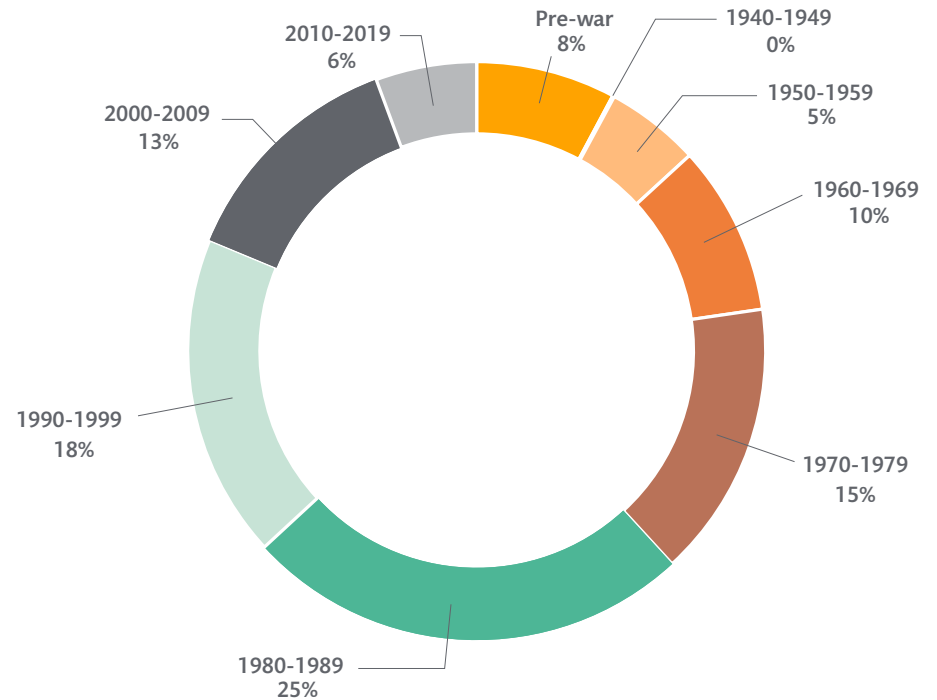
Traditionally the industrial sector has often sought to 're-use' existing stock, rather than drive significant amounts of new/replacement development.

As a whole, it is estimated that almost 60% of the UK's industrial stock is over half a century old. Whilst much of this space remains functionally suitable for some occupiers and activities, there are industry-wide concerns about its environmental performance and suitability.

The Minimum Energy Efficiency Standard (MEES) is one force driving a focus on the environmental performance of industrial buildings, with an estimated 40,000 industrial properties likely to fall foul of the requirement to meet EPC standard E in 2023: a figure that will grow significantly when the B standard is introduced in 2030.

More broadly businesses themselves are more conscious of their environmental impact and actively seeking premises that allow them to improve the sustainability of their operations.

Age of Industrial stock by completion year



This demand for energy efficient space is creating additional pressure for development within the industrial and distribution sector.

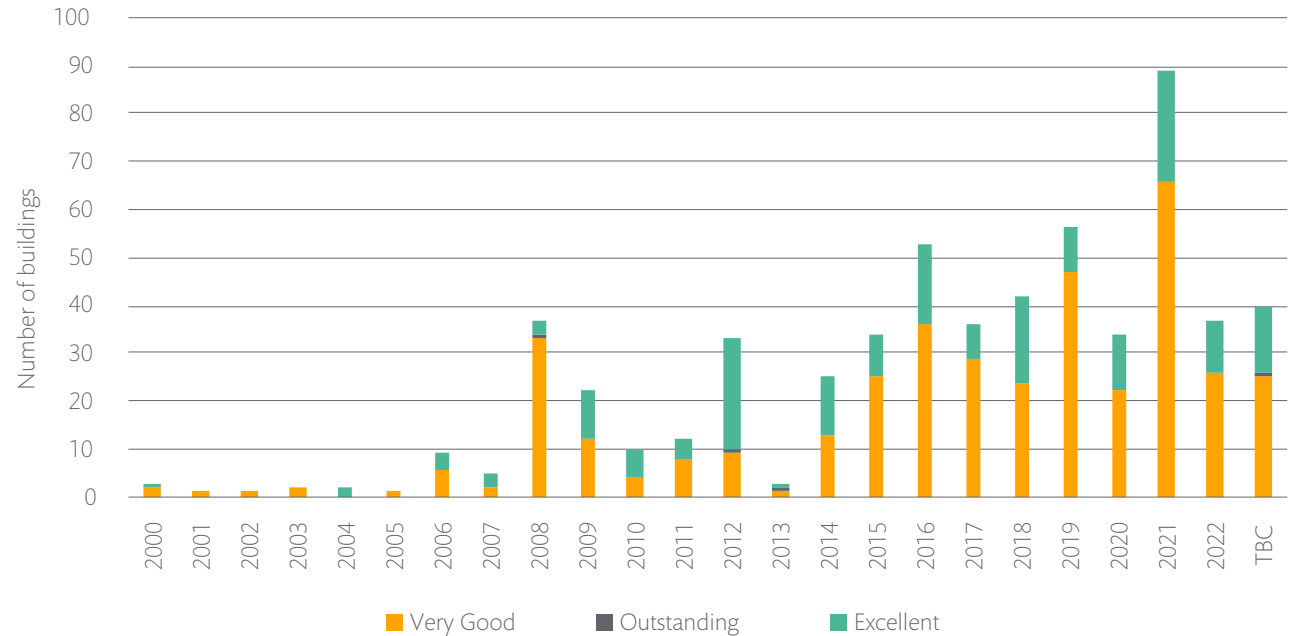
Over the past 5 years there has been a steady upward trend in the delivery of stock that secures higher environmental performance, with 2021 setting a new record for the number of properties built that reach the highest energy performance standards.

Both developers and occupiers are directly addressing the issue and seeking to integrate new forms of heating and power generation, from solar to heat recovery, in order to improve performance.

Ultimately, businesses are beginning to make decisions based on these factors, with some major occupiers now actively relocating from poor performing stock into new, more efficient premises.

This dynamic creates a new layer of demand for replacement stock in addition to space needs generated by other forms of demand.

Delivery Levels of Highest Performing Buildings





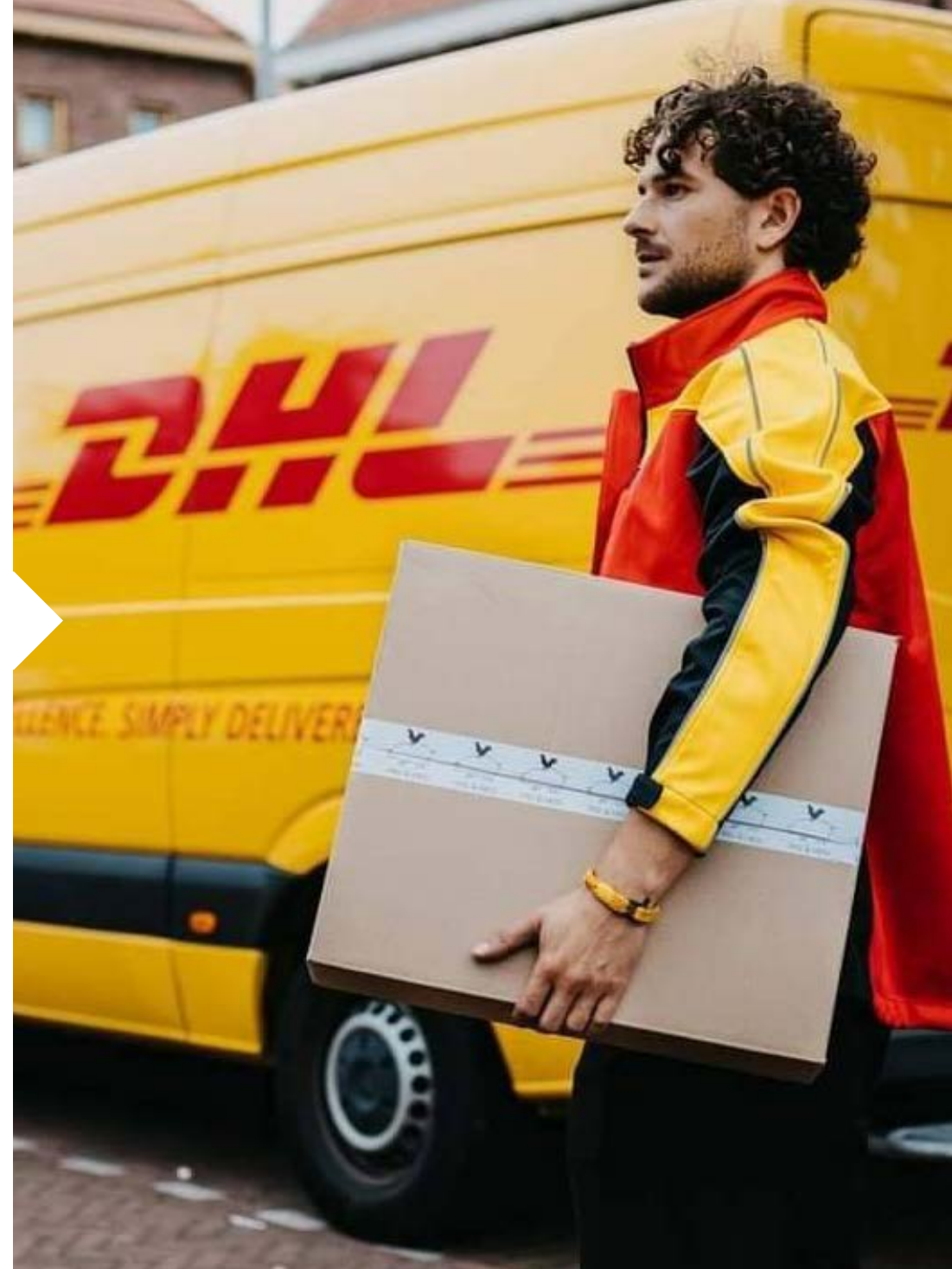
CASE STUDY – AN OCCUPIER PERSPECTIVE

DHL is one of the UK's largest logistics companies and occupies a significant amount of space across the country.

In recent years DHL have seen their property requirements change significantly. This is being driven by customer demand. On the one hand, they are driving efficiency to manage cost – resulting in more automation. On the other, customers are requiring DHL to be carbon neutral as they themselves seek to reduce their carbon footprint.

Together this is focusing DHL on a goal of all new build premises being carbon neutral by 2025. Demand for new space is balanced between relocating existing operations to more environmentally friendly premises and servicing growing customer demands.

New demand is itself created from a range of sources, partly new entrants to the UK market, but significantly also changing operating patterns of DHL's clients, who are now seeking to hold more UK stock and therefore need more space –and often in a range of locations, changing operational networks.





04

CHANGING TYPES AND LOCATIONS



Meeting the needs of the sector in the future is not as simple as re-using existing stock as it's not fit for purpose. The same is true of our land stock. It simply can't provide what businesses need.

As the operational approaches within the sector change to respond to consumer/business needs, there has been a shift in both the range of spaces needed and the locations within which this space is provided. This is acknowledged in national planning policy guidance.

National Planning Policy Framework (July 2021):

Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations. (Paragraph 83)

National Planning Practice Guidance (July 2019)

The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).

(Paragraph: 031 Reference ID: 2a-031-20190722)

This is directly driven by the need to provide reliable and efficient deliveries to both businesses and residents. It is creating demand for new types of space that can help create an efficient 'network' of distribution points that align more closely to urban areas. Consequently, more more land is needed in a much wider range of places to respond to different supply chain strategies.



THE SPACE PORTFOLIO IS BROADER THAN EVER

Growing consumer demand and a focus on shorter delivery timeframes has meant that ecommerce is reshaping the traditional distribution network within the UK.

The established system was relatively simple. Goods entered the supply chain (either from a port or UK factory) via a National Distribution Centre (NDC), which then passed goods to a Regional Distribution Centre (RDC), and then, from there, goods went to the end user.

However, the growth in ecommerce and the arrival of next /same day delivery has meant this is no longer a viable model – particularly when coupled with more defined delivery windows.

Today, a more complex system is evolving. This includes NDC's and RDC's but is expanded to a wider range of facilities that allow product ranges to be held for short periods of time - much closer to the end user.

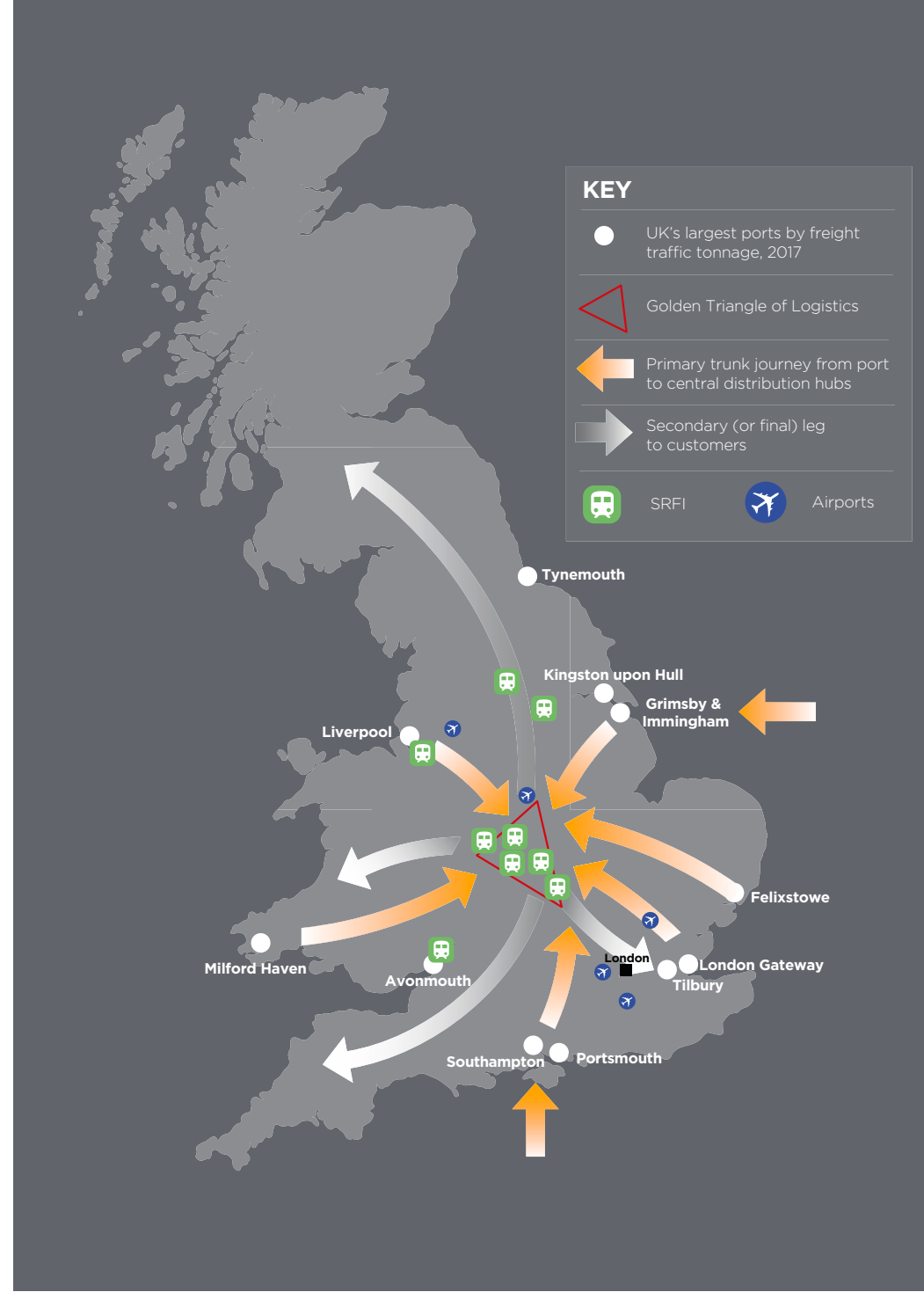
The Range of Facility Types in the Sector



The traditional larger NDC'S and RDC's remain focused in highly accessible locations, mainly by road and, to a lesser degree, rail. Critical to their success is the drive time from points of entry for goods into the UK (ports and airports) and the network of regional centres/markets. Given the importance of ports to these facilities, the 'Golden Triangle' at the intersection of the M1 and M6 remains the prime location for this activity.

Smaller facilities, focused on the delivery of goods to homes, have different location requirements. E-fulfilment and final mile hubs are much more reliant on the ability to distribute quickly. As such, they require less storage space (as they don't hold products for long) but need closer proximity to homes. Increasingly, these are focused on the edge of urban centres; clustered on major trunk road junctions to enable both HGV and van access.

Latterly, a new form of urban logistics hubs and micro-hubs have emerged. These small spaces provide consolidation points within urban areas to enable deliveries to be undertaken by cargo bikes, rather than vans in urban centres. These spaces can re-use existing properties (such as car parks or retail stores) and help distributors service dense population centres suffering from high congestion and air quality issues.



LOCATION CHOICE IS MORE COMPLEX

Given the scale of space occupied by businesses in the sector, the cost of premises has long been the primary driver of location decisions. However, given many of the dynamics already considered in this report, location decisions now consider a much wider set of factors to identify the most appropriate location. Whilst cost is still an important factor, greater consideration is now given to the broader location and its ability to enable reliable journeys to end users.



CASE STUDY – A MARKET PERSPECTIVE ON LOCATION

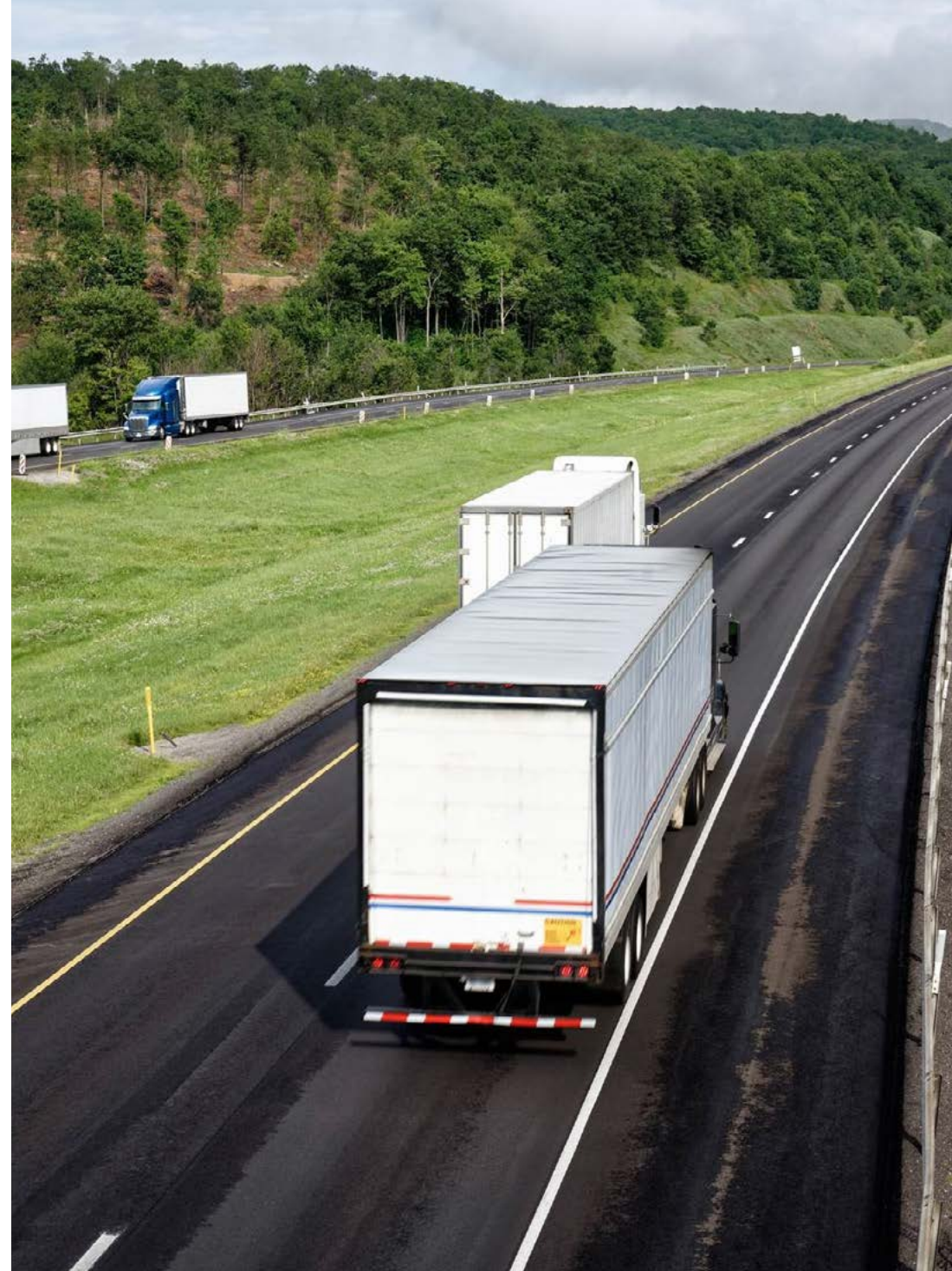
Site identification for occupiers is not an exact science. A number of factors are considered including (but not limited to) the proximity to workforce; availability of required utilities (power/gas etc); access to target markets; access to suppliers via key transport links; site availability and cost.

Occupier needs are also being driven by market factors. In the current market, occupiers are facing a significant supply/demand imbalance with the availability of suitable sites being limited more than ever before. Accordingly, parties are having to be more footloose in their decision making.

This imbalance has seen occupational costs rise to unprecedented levels. This has resulted in occupiers considering non-core/secondary locations. They are increasingly looking at more sophisticated warehouse specifications to drive efficiency meaning the provision of power is becoming more critical, as occupiers need automation for manufacturing and the electrification of vehicle fleets gathers momentum. Whilst onsite generation through solar and other technology may help manage demand, grid capacity is an increasingly important factor in location decisions.

The sector will require more higher skilled workers in the future and expects these to be hard to recruit. Therefore, locating in places where these skills exist is increasingly important as the sector continues to evolve.

Given the current market, and lack of suitable options, it is becoming more difficult for occupiers to find the perfect site solution to meet their operational requirements.



DEVELOPMENT OCCURRING IN NEW PLACES

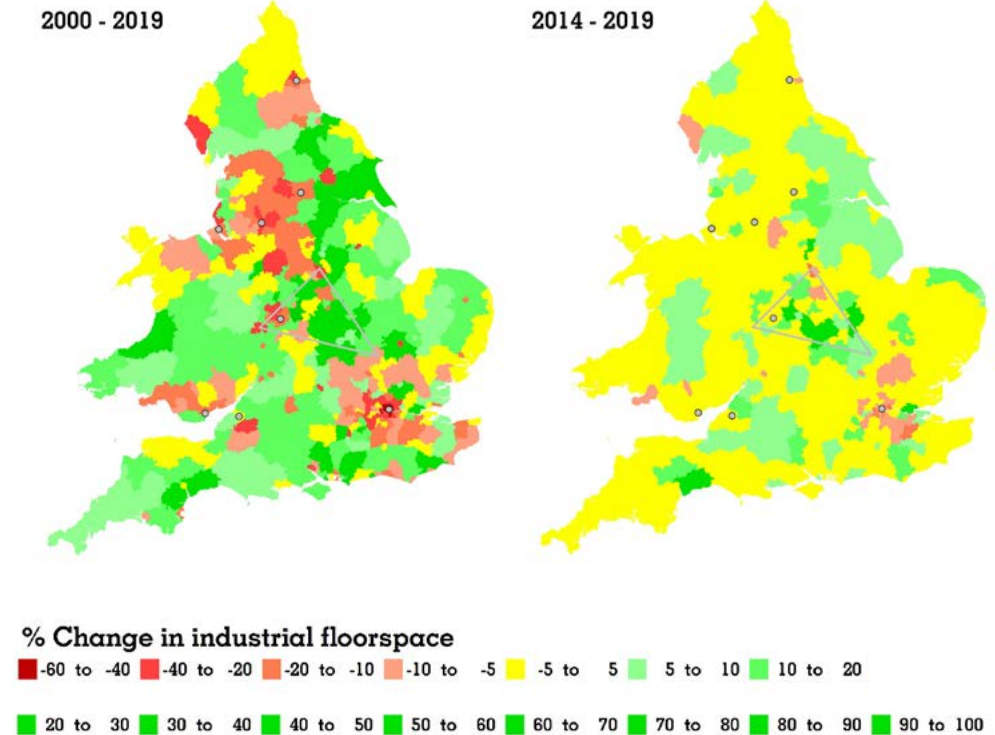
The operation of this new distribution network has different locational requirements, which is driving land and floorspace demand in different parts of the country than has traditionally been the focus.

The 'Golden Triangle' remains the focus for large NDC's. However, demand outpaces supply and new markets are appearing in secondary locations, particularly given increasing land prices and labour shortages.

Beyond this 'displaced' demand, the new dynamics of distribution require considerable amounts of space in locations that previously saw little activity. Well reported examples include the North West and Yorkshire + Humber which have seen record take up in recent years. This demonstrates the important role logistics will play in achieving the Government's Levelling-Up Agenda.

Clustering of activity has a number of benefits for businesses in the sector including the provision of infrastructure, strengthening the labour force through training; maintaining a strong supply chain; helping share knowledge; and driving innovation. Primarily, this is focused on the edge of urban areas with good road links that enable online retailers to service customers.

Industrial Floorspace Change



A range of new industrial submarkets have emerged, or smaller markets have grown, as a result of these operational needs. However, what is clear is that while demand is somewhat footloose, this is only within certain limits.

The ultimate constraint on how far businesses can be from their 'ideal' location is the ability to service the intended market. Moving too far from it breaks down the efficiency of the distribution network and means delivery times and windows cannot be met.

There are no set parameters for the scale of area within which a business can locate to service a particular market. However, the determinants of this location flexibility are focused on a number of considerations, including:

- Operator specific models;
- Density/scale of population;
- Scale/nature of business base;
- Highway access and congestion;
- Accessibility to RDC/NDC; and
- Planned growth and development (i.e. a growing market).

The planning of land supply needs to take these factors into account. It must be recognised that demand is being driven by residents and businesses in a particular area, and space needs to be accommodated close to them in order to satisfy them.



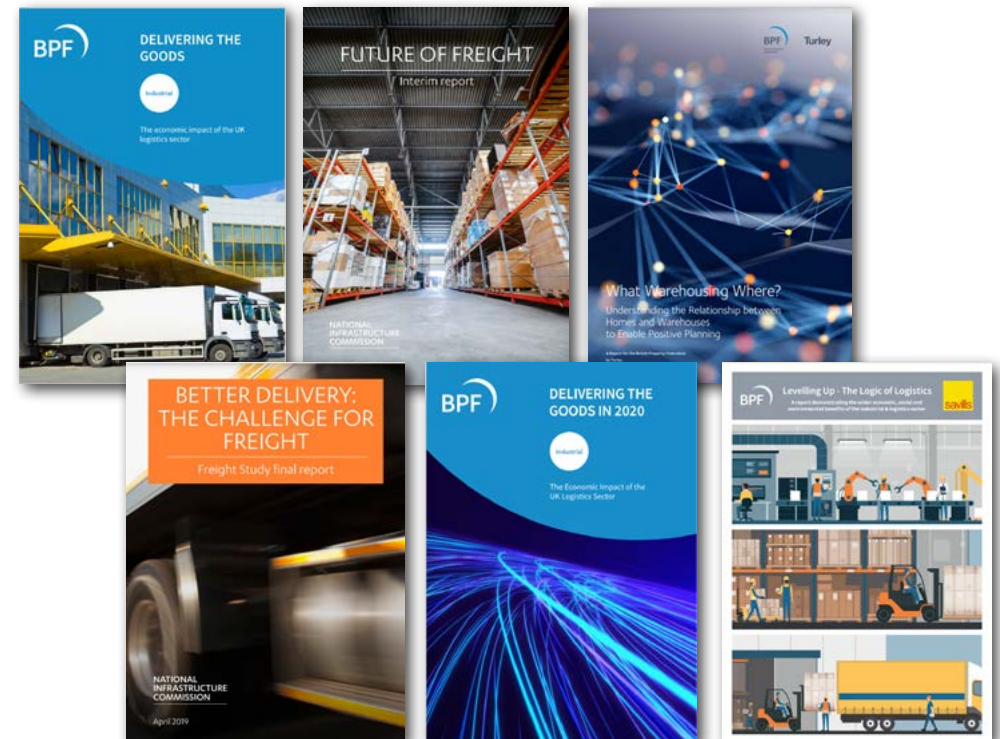
05

THE NEED IS NOW

The sector can't wait for the planning system to catch up. Business need is now, and a failure to act will constrain the prosperity of the country.

As the UK transitions to a post-Brexit, post-pandemic economy, the sector will play a crucial role in economic recovery and growth. During the pandemic, the Department for Transport issued letters on 20th March 2020 and 5th January 2021 highlighting 'the essential work of logistics sector' and the need to 'keep supply chains moving'. Indeed, the impact of not doing so was highlighted last year following the blockage of the Suez Canal and HGV driver shortage that caused a national fuel crisis.

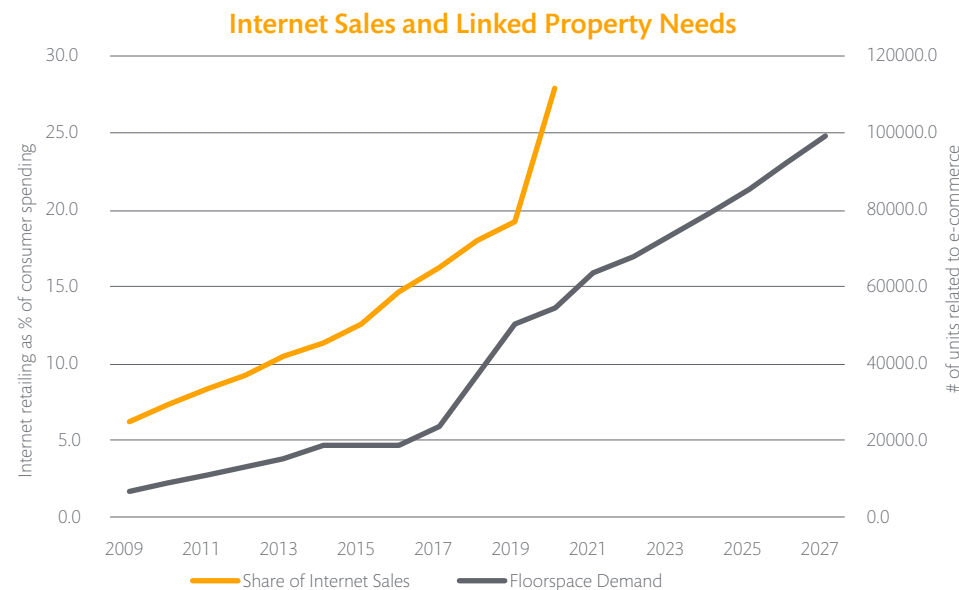
There is now a raft of documents highlighting the significant economic, social & environmental benefits that accrue from the sector and calling for more to be done to support it. The DfT are currently compiling a Freight Strategy that will be published later this year.



THIS SECTOR WILL LEAD ECONOMIC RECOVERY

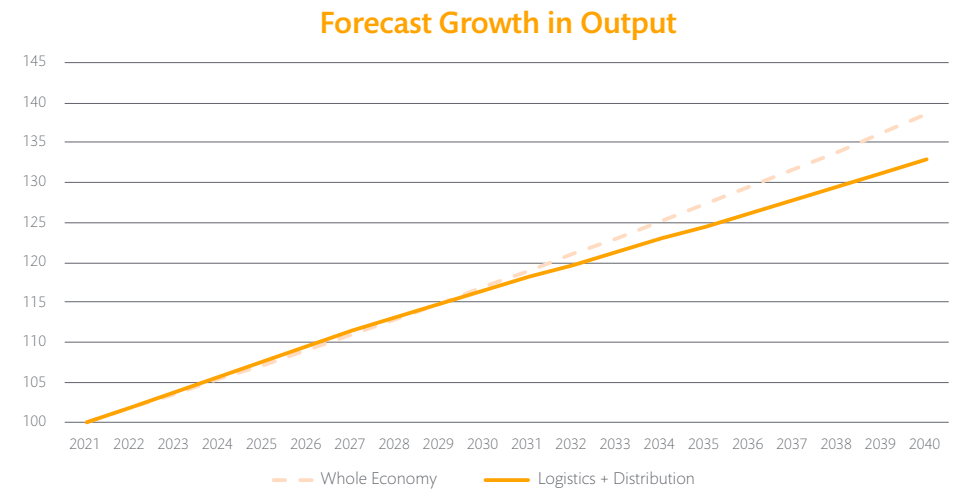
The e-commerce sector alone is expected to drive major new requirements. Capital Economic's analysis suggests that for every £1bn increase in online retail activity, 1mn sq ft of additional logistics space is required. Based on current estimates for online shopping growth, **it is estimated that the UK will need to accommodate in the region of 100mn sq ft of additional floorspace by 2030**. Other predictions suggest even this figure could be exceeded in the short-term.

Chart below shows the relationship between the scale of retail sales done online (orange line) and the amount of property floorspace taken up (black line).



For the next 8 years, growth in the storage and distribution sector is anticipated to grow at a faster rate than the economy as a whole – experiencing circa 1% additional growth per annum. This reinforces the need to ensure land is available now to accommodate this growth otherwise there is a risk that the wider economic performance it underpins in the long term will be undermined.

However, the Local Plan process is not geared to responding to such immediate needs and, given the issues of historic forecasts, are likely to underestimate needs. As such, a more responsive and pragmatic approach is needed.



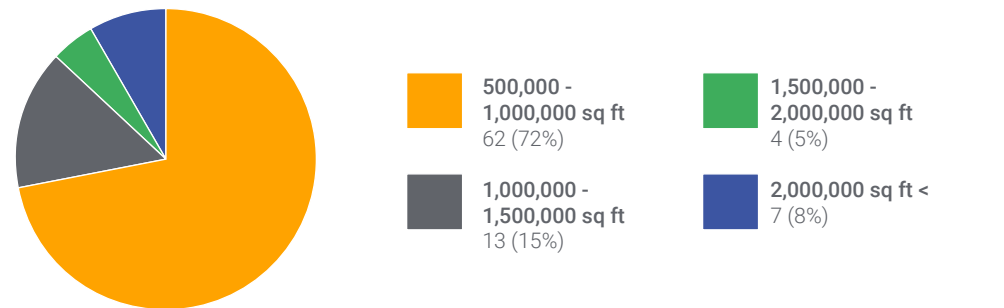
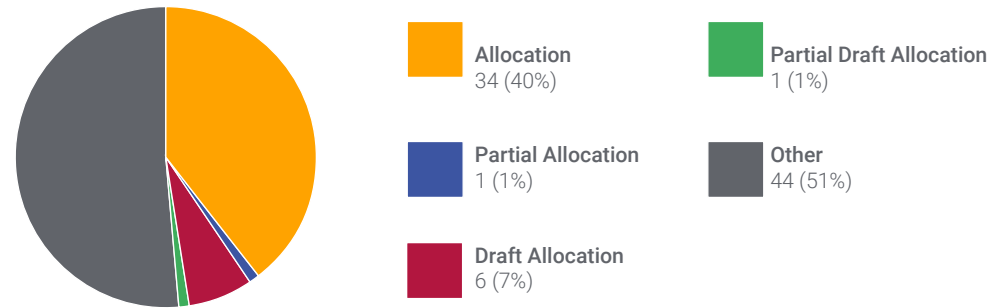
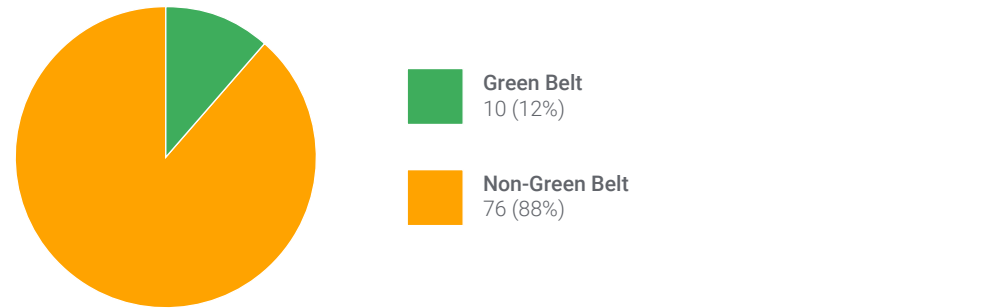
THE PLAN-LED SYSTEM IS NOT KEEPING UP WITH THE MARKET

The Planning for the Future White Paper (August 2020) highlighted that, on average, Local Plans take 7 years to prepare. As such, Local Plan cycles are completely out of kilter with the fast pace of market changes. For example, 10 years' worth of e-commerce growth was experienced in less than 10 months during COVID-19 - something that would not have been predicted in any local plan evidence bases.

The inability of the current plan-led system to respond quickly to this heightened demand means there isn't the right quantum of employment land in the right locations to accommodate it. This has serious ramifications for the prosperity and productivity of the wider economy, including other key growth sectors. It means that occupiers are having to occupy secondary stock in sub-optimal locations, leading to record low vacancy levels. Similarly, developers are being forced to adopt more risky and uncertain strategies to deliver market-facing, high quality units.

To demonstrate this point, Newlands recently commissioned a piece of research that looked at the conditions relating to all units 500,000 sq ft + that were built between October 2018 and October 2021. The results show **58% of these were permitted without the benefit of an employment allocation** and 12% of these were permitted on Green Belt land.

Large Unit Analysis (Barton Willmore, 2021)



CASE STUDY – FLEXIBLE APPROACH TO PLANNING

The fast pace of growth in the sector requires an approach to land supply that can change and adapt to ensure sufficient land in appropriate locations is available. At present, the Local Plan system fails in most locations to provide a mechanism to positively respond to demand.

Some local authorities have included policies within local plans that allows land to come forward outside of Site Allocations where demand can be demonstrated. Areas such as North West Leicestershire, North Northamptonshire and Basingstoke and Deane all have criteria-based policies that enable land to be brought forward for development over and above that forecast within the Local Plan.

They recognize that economic modelling cannot capture all future changes in the economy and that land supply shouldn't be constrained by an analysis of need at a point in time.

A CRITERIA BASED POLICY APPROACH

In line with the BPF's Employment Land Manifesto, specific planning policy should be developed for logistics and distribution uses that enable areas to positively respond to the growth opportunity.

From reviewing policies already in place across the UK, a criteria-based policy approach appears to offer a strong balance of control and flexibility.

Common across these policies are criteria that allow the development to be supported on unallocated sites based on:

- An assessment / demonstration of need
- Consideration of 'strategic market' needs beyond the local authority boundary
- The appropriateness (or otherwise) of land to accommodate larger premises
- Consideration of accessibility and appropriateness of relationship to the motorway/trunk road network
- Ability to manage and plan relationships with adjoining land uses
- Achievement of high environmental and design standards
- The wider economic benefits created

LOGISTICS LEVELLING UP

Logistics will have a significant role to play in delivering the Government's Levelling Up agenda.

The British Property Federation's (BPF's) recent report 'Levelling Up: The Logic of Logistics' (January 2022) highlighted that 70% of industrial and logistics demand is generated in the North and Midlands. Given the sector's strong economic credentials and growth prospects, it will be instrumental in bridging the productivity gap between the north and south.



CASE STUDY – HOYLAND WEST, BARNSELEY

Newlands secured hybrid planning permission in November 2020 for 1.1 million sq ft of employment floorspace at Hoyland West in Barnsley. The development of Plot 1 is underway and will deliver a new 320,000 sq ft parcel distribution hub for Hermes: the largest of its kind in Europe – handling 1.3 million parcels a day. It is due to open later this year. In addition to the significant jobs created during the construction phase, when operational, it will create 1,400 full time roles, including transport managers and warehouse operatives, operational managers, planning managers, engineers and health and safety officers. It is estimated 22% will be in management/team leader roles. Another 300 temporary and part-time roles will be available during peak periods. Plot 2 received planning permission in December 2021 and will provide a further 500-600 jobs when operational.

The development provides significant infrastructure enhancements, including a new link road with public transport facilities; new and improved sports facilities; green and blue infrastructure provision (including 10% biodiversity net gain); and electric vehicle charging points.



06

THE RISK OF MISSED OPPORTUNITIES



The growth opportunity is clear. This creates significant economic benefits for locations providing the right land for development, and a missed opportunity for those who don't

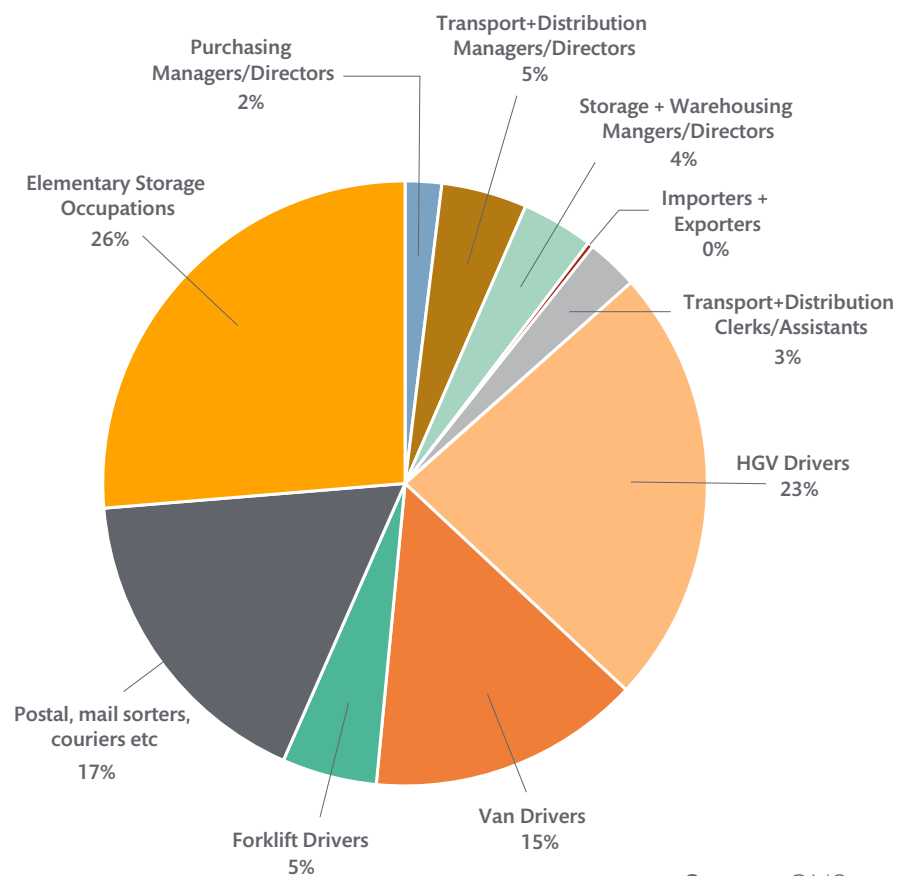
At a time of increased uncertainty in the labour market, logistics developments present major employment, skills and training opportunities for local people in areas where new development is delivered. Whilst perceptions of the employment profile of the sector are characterised by a dominance of low-skilled, entry level jobs largely focused on picking and packing, the reality is that the sector is increasingly comprising a much wider range of roles, with many requiring higher skill levels. This increased occupational diversity means the sector can play an important role in re-employing people that have lost jobs in other sectors of the economy as a result of COVID-19.



THE SECTOR REQUIRES A BROAD RANGE OF ROLES

Research by the Freight Transport Association (FTA), in 2019, suggested that c.15% of the total sector workforce was in high-level occupations, with a further 43% in medium-skilled roles. This means that less than half the roles in the sector are now considered to be elementary or low-skilled.

Share of Employment by Occupation 2019



Source: ONS

Moreover, analysis by SEMLEP and, more recently the BPF, considered how the nature of employment in the sector is changing and found that the most significant growth was in higher level occupations whilst several lower skilled roles contracted. This ongoing shift complements changes that are occurring within more traditional roles. Research by UKCES identified that all roles within the sector are subject to increasing skill levels because of the deployment of even modest levels of technology. From a transport manager's responsibility for sophisticated logistics planning software, through to warehouse operatives use of digital scanners and tablets, all jobs now require good IT skills.

Drivers have also seen their skill requirements increase as they represent the 'face' of the business. They increasingly require good customer service, as well as advanced driving skills. Furthermore, as businesses increasingly rationalise their operations, they are co-locating office and warehouse space – bringing sales, management and marketing roles to distribution parks

ROLE	CORE SKILLS
Transport Managers	Communications IT Business strategy Cost Savings Operating systems
Drivers	Customer service Advanced driving Digital – vehicles (tacho's etc)
Transport Office	IT (high level) Data analytics Problem solving
Port Operatives	Plant and machinery
Warehouse Operatives	IT

CASE STUDY – EMPLOYMENT & TRAINING

The Centre for Logistics, Procurement and Supply Chain Management at Cranfield University School of Management is a world leading Centre which specialises in research relating to agile and lean supply chains, procurement, freight transport, supply chain strategy, intelligent technologies and supply chain analytics, sustainability and circular economy, food and retail supply chains, simulation and modelling, warehousing and manufacturing supply chain.

It provides a range of internationally acclaimed programmes to develop careers in the logistics sector, such as:

- Full-time MSc in Logistics and Supply Chain Management (one year)
- Full-time MSc in Procurement and Supply Chain Management (one year)
- Senior Leaders Apprenticeship Level 7+MSc in Logistics and Supply Chain Management (Part-time over two-years)
- Executive MSc in Logistics and Supply Chain Management for non-apprentice students (Part-time over two-years)
- Plus a suite of open and customised executive short courses, including a closed PgCert in Supply Chain Practice that can be run for a cohort of students from one company. (This programme runs for 12 – 18 months and can accommodate both PgCert and Short Course students at the same time).

A typical annual cohort ranges from 180- 200+ on the Full-time MSc programmes, to 15 – 35 on their Senior Leaders Apprenticeship Level 7+ (part-time MSc programmes) and closed PgCert in Supply Chain Practice. Students are equipped with the requisite high skill levels that enable them to fill crucial positions within the industry and some of these positions for their MSc full time students include the following:

- Supply Chain Executive,
- Logistics Engineer/Planner,
- Sourcing Manager,
- Logistics and Supply Chain Manager,
- Operations Supply Co-ordinator,
- Warehouse Management Specialist,
- Procurement Manager,
- Network Analyst.

The programme is continuously updated reflecting the ever-changing nature of the industry.



THE IMPACT ON RECRUITMENT AND EARNINGS

As the sector becomes more skilled, there will be an increased focus on recruitment, training and talent retention. With the adoption of new technology, the sector will find it is competing with other sectors for skilled workers, as software and other digital skills increasingly underpin the economy.

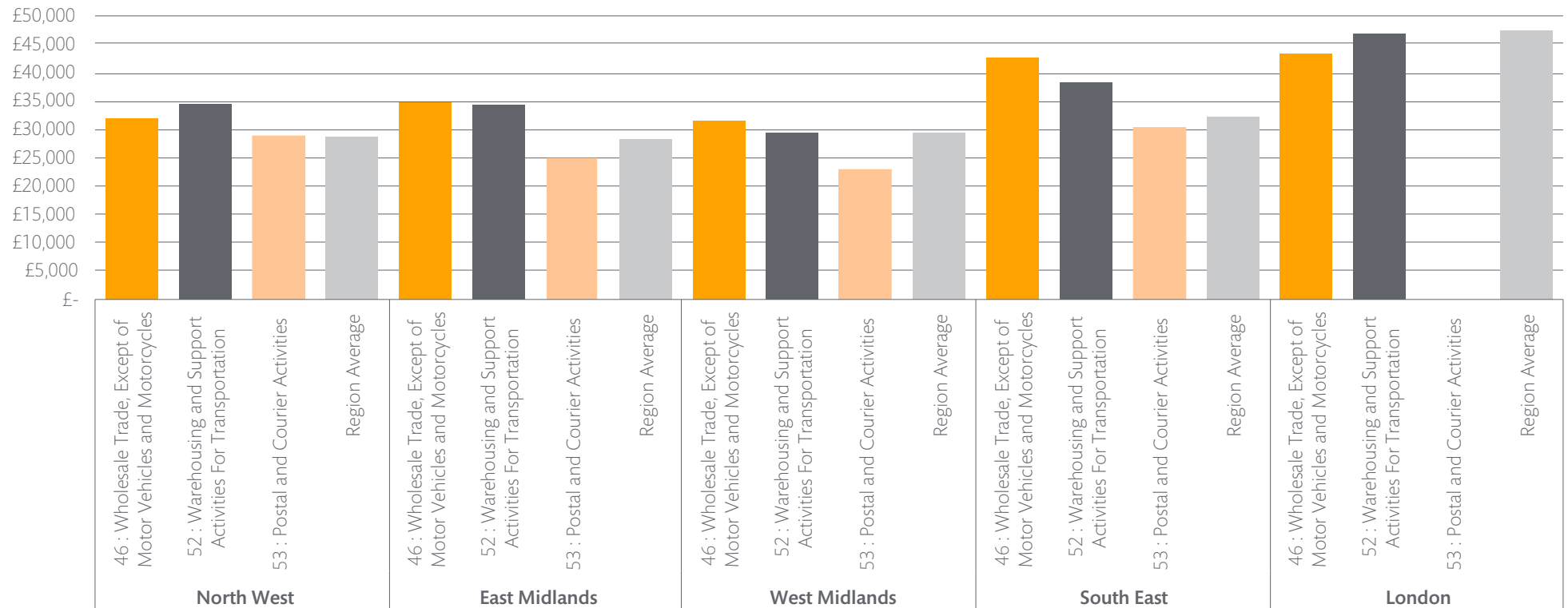
Within the sector, this is generating significant focus and investment in employee experience – which is a further factor driving the demand for new space that enhances employee amenity and wellness. It is also seeing the sector invest more in training: aiming to support workers to stay in a business.

Already many businesses offer apprenticeships and other training programmes to aid career progression. This enables those taking entry level positions to further their career within the sector. These investments are to help combat the widely held expectation that attracting the right skills in the future will be a challenge.

A CBI survey found that 80% of businesses expect jobs to be more skilled in the future. However, the FTA report that the most severe shortages of workers in the sector are within higher level occupations, such as managers and directors. As a result, average earnings in the sector have been relatively healthy. The Annual Survey of Hours and Earnings shows that in most locations, earnings in the sector tend to be above the regional average. Even in London, warehousing workers' average earnings are equal to those in the city. In all other locations it is materially above.

Overall, there are significant benefits that arise from new logistics developments. Jobs are becoming more skilled and are well paid. Even at the lower level, there is significant investment in skills and training. Failing to provide land means these opportunities will be lost for local people.

Comparison of Average Annual Earnings 2020

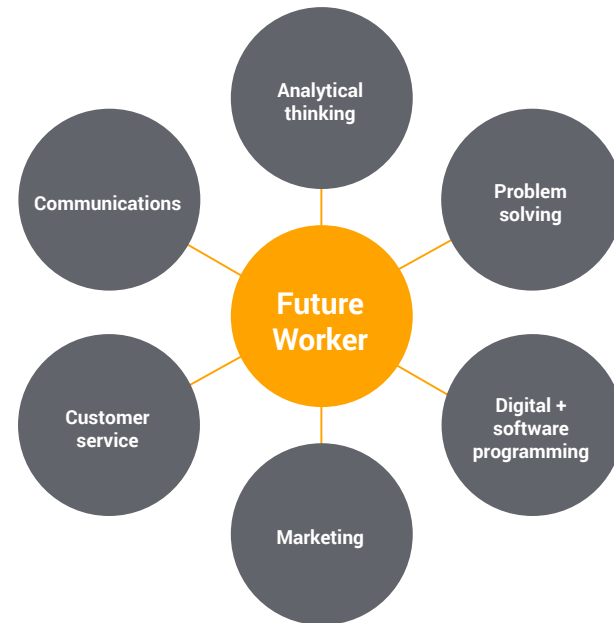


AUTOMATION WON'T REPLACE JOBS

As the deployment of technology increases there are clear opportunities for businesses to increase efficiency by introducing greater automation. A common perception is that people will be replaced by robots. However, research suggests the scale of this may not be as significant as feared.

The FTA considered the risk of specific roles within the sector being replaced by machines in the future. At highest risk were elementary roles, such as warehouse operatives and forklift drivers, both of which are already being replaced. However, the estimate was that this only impacted 7% of all jobs at risk. Drivers were identified as a medium risk given autonomous delivery and self-driving vehicles that are still unproven. The lowest risk roles are those where decision making is required that can't currently be replaced by a machine.

Whilst some roles will be lost within the sector, there is expected to be a major increase in the quality of the occupations that remain/are created, as processes become more complex. Across the board, digital skills will be central to future employment, alongside strong analytical and problem-solving skills, as logistics planning becomes more sophisticated. Strong communication skills is central to good operational efficiency and many roles will become more outward facing; particularly for delivery drivers.





07

OUR ASKS



Change is needed if the potential of the sector is to be realised and the wide-ranging benefits captured.

There is a clear and objective need to improve the land supply for logistics development across the country. At present, there is a major risk that the growth of the sector required to drive economic recovery and levelling up will be curtailed: constraining wider growth and prosperity. To help address the issue, we set out 5 changes that we believe are necessary.

1. **New best practice in quantifying employment land needs**
2. **Require regular reviews of land capacity**
3. **Recognise the economic, social and environmental benefits of logistics.**
4. **Ensure space for logistics is integrated into strategic growth locations**
5. **Coordinate site allocation and infrastructure investment**

ASK 1

IMPROVE NEEDS FORECASTING



The current approach is now flawed

Basing land needs solely on past take up or econometric forecasts (as instructed by the NPPG) fundamentally underestimates land needs. A range of other considerations need to be built into the evidence base – most crucially market intelligence and suppressed demand.



Engage with the market

No data alone can reveal unmet demand. Future employment land needs should be informed by a solid understanding of the market through engagement with the development sector.



Incorporate a wider geography

Market areas span boundaries and businesses service areas across sub-regional geographies. Land supply needs to be optimized across the relevant market area to deliver the conditions businesses need – joined up planning is essential.

ASK 2

REGULAR REVIEW OF CAPACITY



The sector is changing quickly

The logistics sector has changed significantly over the last 5 years – not only is it bigger, but it has more diverse needs. Local plan evidence bases are not agile enough to capture these trends.



Improve monitoring

The stock and delivery of logistics space should be monitored in a similar manner as housing, with an adequate supply being maintained. Monitoring would allow the direction of land supply to be reset, if needed.



Flexibility in policy

Needs forecasts should be seen as floors rather than ceilings for development. Clear criteria-based policies, that enable new employment sites to come forward through a planning application when supply falls below a minimum threshold, should be incorporated into all Local Plans.

ASK 3

VALUE THE ECONOMIC, SOCIAL + ENVIRONMENTAL BENEFITS



Common perceptions are unfounded

The sector is not dominated by low skilled, low wage roles that offer no career progression for workers. Instead, roles are increasingly diverse, involving better skills, higher pay and offer good career pathways.



Understand the economic opportunity

An assessment of the economic benefits should be part of any criteria-based approach to include the wider benefits as a facilitator for other key growth sectors. The economic benefits accrued from development should carry significant weight in decision-making as per the NPPF.



Social Value & Green credentials

The wider social and environmental benefits arising from logistics developments should also be considered, reflecting the significant investment developers make in local communities and places.

ASK 4

INTEGRATE SPACE INTO GROWTH LOCATIONS



Logistics is now critical infrastructure

Logistics is so deeply engrained in our everyday lives, and underpins so many important sectors, that it should be viewed and planned for as critical societal infrastructure in much the same way as water stations and electricity plants.



Proximity is key for sustainability

Meeting delivery expectations requires proximity to residents and customers/businesses. This also reduces vehicle miles and supports the use of Electric Vehicles – helping make the sector more sustainable.



Broaden the land use mix

In a similar manner to how retail space is considered an integral part of a major new settlement or Sustainable Urban Extension, space for logistics should also be incorporated or the LPA should identify locations nearby to accommodate new demand.

ASK 5

COORDINATE INFRASTRUCTURE DELIVERY



Logistics requires wider infrastructure

Increasingly, the sector requires enhanced utilities provision as activity is automated and operational 24 hours a day. Power is a key issue going forward and can impact deliverability.



Investment can unlock delivery

The value creation of logistics development can fund infrastructure delivery and support the achievement of wider aspirations in an area, including infrastructure for housing growth.



Choreograph partners

Infrastructure delivery partners need coordinating. A positive policy position will bring these partners together and help facilitate delivery more quickly.

newlands
developments

www.newlandsuk.com

Appendix IV

B8 Development Precedent Decisions



Ministry of Housing,
Communities &
Local Government

Harworth Group
C/O Mr H Robertshaw
Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

Our ref: APP/N4205/V/20/3253244
Your ref: 04766/18

21 June 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY HARWORTH GROUP
LAND WEST OF WINGATES INDUSTRIAL ESTATE, WIMBERRY HILL ROAD,
WESTHOUGHTON, BOLTON
APPLICATION REF: 04766/18**

1. I am directed by the Secretary of State to say that consideration has been given to the report of B J Sims BSc (Hons) CEng MICE MRTPI and D M Young JP BSc (Hons) MA MRTPI MIHE, who held a public local inquiry on 17-20 November 2018 into your client's application for planning permission, reference 04766/18 dated 12 October 2018 for:
 - PART A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works.
 - PART B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area.
2. On 21 May 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspectors' recommendation and summary of the decision

3. The Inspectors recommended that planning permission be granted subject to conditions and planning obligations of the Section 106 Agreement.

Ministry of Housing, Communities & Local Government
Phil Barber, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 2853
Email: PCC@communities.gov.uk

4. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions, except where stated, and agrees with their recommendation. He has decided to grant planning permission. A copy of the Inspectors' report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspectors' comments at IR9, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Policy and statutory considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the adopted Bolton's Core Strategy 2011(CS) and the adopted Bolton's Allocations Plan 2014 (BAP). The Secretary of State considers that relevant development plan policies include those set out at IR27.1-27.11.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy Regulations 2010 ('the CIL regulations').

Emerging plan

9. Following the decision of 3 December 2020 by Stockport Metropolitan Borough Council to withdraw from the Greater Manchester Spatial Framework (GMSF) the Association of Greater Manchester Authorities (AGMA) has decided not to progress the GMSF. The Secretary of State thus gives no weight to the provisions of the GMSF. However, noting that the AGMA intends to use the same evidence base to underpin its Development Plan Document 'Places for Everyone', Secretary of State agrees with the Inspectors for the reasons given in IR28, that the GMSF evidence base with respect to employment needs is material to the present case.

Main issues

10. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR219.

Policy

11. For the reasons given at IR221 and IR308, the Secretary of State agrees with the Inspectors that Policy CG7AP of the BAP is strictly inconsistent with the NPPF because it omits express reference to allowing inappropriate development in very special circumstances. Accordingly the national Green Belt policy of the Framework is applicable. He has taken into account that there is cross-reference in the supporting text to the Framework and clearly no intention of the part of the Council in practice to resist such

development without applying that proper test, and also that otherwise the relevant policies of the development plan are consistent with the Framework (IR222). Notwithstanding his conclusion on Policy CG7AP, overall he considers that the policies which are most important for determining the application are not out-of-date, and therefore the tilted balance does not apply in this case.

Green Belt

12. The Secretary of State notes that the entire application site is located within the adopted Greater Manchester Green Belt (IR15). As such, the Secretary of State has given careful consideration to the Inspectors' analysis at IR224-226.
13. For the reasons given at IR224 the Secretary of State agrees with the Inspectors that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition.
14. For the reasons given at IR224-226 the Secretary of State agrees with the Inspectors' conclusions at IR226 that overall the harm to the Green Belt, by definition and in relation to its essential openness is in conflict with adopted BAP Policies CG7AP and OA3 and the Framework. He considers that this harm carries substantial weight. He further agrees that considerations mitigating the impact of the development on Green Belt purposes are material factors, but gives no weight to the site's draft allocation in the GMSF, given his conclusions at paragraph 9 above.

Employment Need and Supply

15. For the reasons given at IR227-232 the Secretary of State agrees with the Inspectors that there is persuasive evidence that a substantial planning need exists for major logistics and associated industrial development of the kind proposed in this application (IR232). The Secretary of the State further agrees that whilst no weight can be given to the specific draft allocation in itself, the broad evidence of need for the type of employment land represented by the application site is material to the consideration of this application.
16. The Secretary of States agrees for the reasons given at IR233-234 that while approval of the present application would produce a numerical exceedance of the quantum of employment development allocated for the M61 corridor by Policy P1 and the BAP (IR234), such development plan provisions are not to be regarded as ceilings to development. He further agrees with the Inspectors (IR234) that while there is some conflict with Policy P1, the salient question is whether the unallocated application site is justified by other considerations.
17. He further agrees, for the reasons given at IR235-237, that the recorded deprivation level within Bolton is further evidence of need for the development and notes that there is evidence of unfulfilled enquiries for development of the kind proposed here. Overall the Secretary of State agrees with the Inspectors at IR237 that the evident need for development of the type proposed carries substantial weight in the planning balance.

Economy

18. For the reasons given, the Secretary of State agrees with the Inspector at IR238 that the proposed development would contribute substantially to the national policy imperative, expressed in paragraphs 80 and 82 of the Framework, to promote and support a strong

competitive economy, as particularly with regard to the need for storage and distribution facilities, at a variety of scales, in accessible locations.

Highway Network and Access

19. For the reasons given at IR239-244, the Secretary of State agrees with the Inspectors that subject to the improvements set out, the proposed development would comply with the requirement of BAP Policy P7AP to safeguard the Strategic Route Network (IR244).
20. The Secretary of State agrees for the reasons given at IR245-246 that the development would comply with BCS Policy P5 to ensure that accessibility by different kinds of transport development is taken into account, prioritising pedestrian and cycle use over motorised travel.

Environmental Impact

Landscape and Visual Amenity

21. For the reasons given at IR247-255, the Secretary of State agrees with the Inspectors at IR254 that the proposed development would give rise to substantial harm to the landscape of the application site and surrounding area, contrary to the relevant provisions of BCS Policies CG1, CG3 and OA3. He further agrees the comparatively minor effects on the wider landscape of the M61 corridor would not undermine the equivalent aims of BCS Policy M7 in this respect.
22. Overall, the Secretary of State agrees with the Inspectors at IR255 that the substantial level of landscape harm carries significant weight in the overall planning balance.

Residential Amenity

23. Overall, for the reasons given at IR256-259 the Secretary of State agrees with the Inspectors at IR258 that there is no evidence that the development would cause unacceptable impact on surrounding land uses and occupiers with regard to privacy, safety or security, and on balance the proposals comply with the aims of BCS Policy CG4 with regard to safeguarding residential amenity (IR259).

Public Rights of Way

24. The Secretary of State agrees for the reasons given at IR260-262 that the proposals are compliant with BAP Policy P8AP.

Ecology, Trees and Biodiversity Enhancement

25. For the reasons set out at IR263-270 the Secretary of State agrees at IR270 that whilst there would be initial adverse impacts arising from the construction of the proposed development, there is credible evidence that full mitigation would ultimately be achieved, including a material level of net biodiversity enhancement. He agrees that the proposals comply with the protective provisions of Policy BCS Policy CG1-2, such that considerations of biodiversity are neutral in the overall planning balance (IR270).

Air Quality and Noise

26. For the reasons given at IR271-274, the Secretary of State agrees with the Inspectors that the development would be compliant with BCS Policy CG4 in connection with the

protection of amenity, resulting in no residual harm to be taken into the overall balance (IR274). The Secretary of State therefore considers that the matter is neutral in the planning balance.

Benefits

27. For the reasons given at IR275-278, the Secretary of State agrees with the Inspectors that the development would contribute substantially to the supply of employment land evidently necessary to the economic recovery and well-being of Bolton. He has taken into account the absence of any alternative sites of sufficient size and accessibility in the M61 (IR276), and the fact that the development would directly and indirectly generate up to 2,500 jobs and other economic benefits in an area of severe economic deprivation and unemployment, encouraging business commitment and creating opportunities for enhancement of skills among the workforce (IR277). He agrees that the economic benefits carry very substantial weight in the planning balance (IR279).
28. For the reasons given at IR280-281 the Secretary of State also considers that landscape mitigation, a net gain in biodiversity, sustainable drainage, off-site highway works, new or diverted footpaths, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight in favour of the proposal.

Cross-boundary Considerations

29. The Secretary of State has given careful consideration to the Inspectors' analysis at IR298-302 and agrees, for the reasons given, that the present application may appropriately be determined independently by the Secretary of State on the basis of this IR alone.

Planning conditions

30. The Secretary of State has given consideration to the Inspectors' analysis at IR293-297, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and the relevant Guidance and that the conditions set out at Annex A should form part of his decision.

Planning obligations

31. Having had regard to the Inspector's analysis at IR10, IR282-293, the planning obligation of 2 December 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspectors' conclusion for the reasons given at IR292 that, with the exception set out at paragraph 32 below the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.
32. He further agrees with the Inspectors, for the reasons given at IR290-291, that the Schedule 4 Local Enhancement Contribution requiring a contribution to upgrade a pedestrian and cycle route to the site via Long Lane from Westhoughton railway station is neither directly nor fairly and reasonably related in scale and kind to the proposed development. As such the Secretary of State agrees with the Inspectors that it fails the tests of CIL Regulation 122 and should not be counted as a material consideration to the application. Pursuant to the Conditionality Clause 4.1.3 of the Agreement, the obligation to pay the Local Enhancement Contribution therefore has no effect.

Planning balance and overall conclusion

33. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies CG7AP, CG1,CG3 and OA3 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
34. The material considerations which weigh against the proposal are the harm to the Green Belt and the landscape and visual impacts. The Secretary of State affords the Green Belt harm substantial negative weight and the landscape and visual harm significant negative weight.
35. The Secretary of State considers that the evident need for development of the type proposed carries substantial weight, and the economic benefits of the proposal carry very substantial weight in favour of the scheme. He considers that the benefits of effective landscape mitigation, a net gain in biodiversity, sustainable drainage to obviate flooding concerns, off site highway works to accommodate generated traffic, new or diverted footpaths where affected by the development, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight.
36. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the economic and other benefits of the proposal are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development.
37. For the reasons given above the Secretary of State considers that the material considerations in this case indicate a decision other than in accordance with the development plan.
38. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

39. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex A of this decision letter for:
- PART A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works;
 - PART B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area;

in accordance with reference 04766/18 dated 12 October 2018.

40. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

41. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

42. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

43. A copy of this letter has been sent to Bolton Metropolitan Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Regional Growth and Local Government on behalf of the Secretary of State, and signed on his behalf



Ministry of Housing,
Communities &
Local Government

Chris Argent
CBRE
10th Floor, One St Peters Square
Manchester
M2 3DE

Our ref: APP/V4250/V/20/3253242
Your ref: A/18/85947/MAJES

21 June 2021

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY TRITAX SYMMETRY LTD.
LAND AT JUNCTION 25 OF THE M6 MOTORWAY, WIGAN, BOUNDED BY THE M6
SLIP ROAD AND A49 WARRINGTON ROAD JUNCTION TO THE EAST,
AGRICULTURAL LAND TO THE NORTH AND THE M6 MOTORWAY TO THE WEST,
WIGAN.
APPLICATION REF: A/18/85947/MAJES**

1. I am directed by the Secretary of State to say that consideration has been given to the report of D M Young JP BSc (Hons) MA MRTPI MIHE and B J Sims BSc (Hons) CEng MICE MRTPI, who held a public local inquiry between 1 December 2020 and 4 December 2020 into your client's application for planning permission, reference A/18/85947/MAJES dated 16 August 2018 for the demolition of existing buildings and re-profiling of the site for development comprising:
 - Full planning permission for the erection of 27,871 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), comprising two units and the provision of associated infrastructure including sub-station, car parking, landscaping, access from the A49 roundabout and internal estate road; and
 - Outline planning permission for the erection of up to 106,095 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), including car parking, internal estate road and landscaping. All matters except for access are reserved, with access proposed from the A49 roundabout.
2. On 21 May 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Ministry of Housing, Communities & Local Government
Phil Barber, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 42853
Email: PCC@communities.gov.uk

Inspector's recommendation and summary of the decision

3. The panel of Inspectors recommended that the application be approved and planning permission granted.
4. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions and agrees with their recommendation. He has decided to approve the application and grant planning permission, subject to conditions and the planning obligations of the Section 106 agreement. A copy of the Inspectors' report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry. Having taken account of the Inspector's comments at IR1.11, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. Details of the representation received since the Inquiry is at Annex A. The representation is also referred to at paragraph 7 of this decision letter. Copies of this may be obtained on request to the email address at the foot of the first page of this letter.
7. The Secretary of State notes that on 17 February 2021 Wigan Metropolitan Borough Council ('the Council') provided the Planning Inspectorate with consultation versions of the Council's emerging Development and Air Quality Supplementary Planning Document (SPD) and emerging Landscape Design SPD. The Secretary of State notes that the Council's stated position is that the emerging SPDs make no material difference to its assessment of either the landscape design or air quality impacts of the proposal.
8. The Secretary of State is satisfied that the emerging SPDs do not affect his conclusions on these matters. He is satisfied that no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the Wigan Local Plan Core Strategy 2013 (CS), the 'saved' Wigan Replacement Unitary Development Plan 2006 (UDP), the Greater Manchester Joint Minerals Plan 2013 and the Greater Manchester Joint Waste Development Plan Document 2012. The Secretary of State considers that relevant development plan policies include those set out at IR4.15-IR4.18.

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Regulations 2010 ('the CIL regulations') and those policy documents set out at IR4.25-4.29.

Emerging plan

12. Following the decision of 3 December 2020 by Stockport Metropolitan Borough Council to withdraw from the Greater Manchester Spatial Framework (GMSF) the Association of Greater Manchester Authorities (AGMA) has decided not to progress the GMSF. The Secretary of State thus gives no weight to the provisions of the GMSF. However, noting that the AGMA intends to use the same evidence base to underpin its Development Plan Document 'Places for Everyone', the Secretary of State agrees with the Inspectors for the reasons given in IR4.24, that the evidence base underpinning it is a material consideration in this case.

Main issues

13. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR10.2.

Green Belt

Inappropriate development in the Green Belt

14. The Secretary of State notes that the entire application site is located within the Merseyside and Greater Manchester Green Belt. As such, the Secretary of State has given careful consideration to the Inspectors' analysis at IR10.3-10.22.

15. For the reasons given at IR10.3-10.4 the Secretary of State agrees with the Inspectors that the proposal constitutes inappropriate development in the Green Belt. He further agrees that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations (IR10.5).

Openness of the Green Belt

16. The Secretary of State concurs with the Inspectors' analysis of landscape evidence at IR10.6-10.11. He agrees with the Inspectors for the reasons given at IR10.6-10.11 that the scale of development would substantially erode the spatial openness of the Green Belt in this location (IR10.7), but that the harm to Green Belt openness would be localised and moderate upon completion and that structural landscaping would mitigate the impact on openness in the medium-long term (IR10.12).

Green Belt Purposes

17. For the reasons given at IR10.13-10.14, the Secretary of State agrees with the Inspectors at IR10.15 that the combination of existing and proposed features would provide the Green Belt with coherent and defensible boundaries which would be sufficient to prevent the unrestricted sprawling of Wigan. For the reasons given at IR10.16-10.17 he further agrees that while the proposed development would undeniably erode elements of the open space between the two settlements, the separate identities of Wigan and Ashton would be safeguarded and they would remain distinguishable from one another.

18. However the Secretary of State also agrees, for the reasons given at IR10.18, that in terms of Green Belt purpose (c), the scheme would undeniably encroach into the countryside and that the level of harm would be 'moderate'.
19. For the reasons given at IR10.19 he agrees that there would be no conflict with Green Belt purpose (d). He similarly agrees, for the reasons given at IR10.20, that there would be no harm caused to Green Belt purpose (e).

Overall Impact on the Green Belt

20. For the reasons given at IR10.3-10.20 the Secretary of State agrees with the Inspectors at IR10.21 that there would be definitional harm to the Green Belt by virtue of the development being inappropriate. He further agrees that there would be limited and localised harm to openness and moderate harm to Green Belt purpose (c). He further agrees that collectively, these harms must carry substantial weight in the overall Green Belt balance in accordance with paragraph 144 of the Framework. He notes that it is not disputed that the proposed could not be accommodated on a preferable site in Wigan either within or outside the Green Belt (IR10.22), and that it is therefore material that a loss of spatial and visual openness and associated landscape harm would result in Green Belt and other harm as a consequence of any large B8/warehouse development in the Borough.
21. The Secretary of State agrees with the Inspectors that the proposal if approved would not formally change the Green Belt boundary (IR10.123). He further agrees that it would be inappropriate development within the Green Belt requiring justification by very special circumstances and hence the development would not amend the general extent of Green Belt as defined on the Proposals Map. The Secretary of State notes that CS Policy SP1 states that the full extent of the Green Belt in Wigan will be maintained. For the reasons given above, he considers the proposal is not in conflict with CS Policy SP1.

Need and Economic Considerations

Need for Employment Land

22. For the reasons given at IR10.23-10.25, the Secretary of State agrees with the Inspectors that there is an evident and compelling planning policy imperative for high-quality logistics floorspace regionally, sub-regionally and locally (IR10.26). The Secretary of State further agrees with the Inspectors' analysis of need for employment land at IR10.27-10.30.

Employment Land Supply

23. The Secretary of State agrees with the Inspectors' finding that due to the attraction of the M6 corridor for logistics operators, employment land supply has been unable to keep pace with demand and is now critically low (IR10.31). He further agrees with the Inspectors' finding that the supply rate of employment land within Wigan Borough itself since 2011 is even lower (IR10.32) and that there is considerable uncertainty about the deliverability of around half of the supply due to factors including the need for significant transport infrastructure improvements and ground remediation (IR10.33). He agrees with the Inspectors that the evidence suggests that the low take-up levels of employment land in Wigan Borough are not symptomatic of an absence of demand (IR10.34-35). The Secretary of State agrees that CS Policy CP5 is now out of date in light of the latest evidence of employment land need contained in the GMSF evidence base (IR10.121).

However, apart from that, he agree with the Inspectors that the development plan relevant to this application remains up to date.

24. The Secretary of State notes that there is a broad consensus that there are no suitable alternative sites in the Borough that could accommodate the proposed development, for the reasons set out at IR10.36. He agrees that the other sites under consideration by the Inspectors would not address the shortage of employment land that exists in Wigan (IR10.36)
25. For the reasons set out at IR10.37-10.38, and given his conclusions on the GMSF at paragraph 12 above, the Secretary of State agrees the existing policy vacuum on employment land supply runs counter to the approach advocated in paragraphs 33, 81 and 120 of the Framework and is likely to result in valuable investment flowing into adjacent authorities of Bolton, Warrington and St Helens, to the detriment of Wigan's residents (IR10.38). He also agrees that another potential consequence is that existing businesses in the Borough who wish to expand will continue to leave, in order to find more suitable premises in neighbouring authority areas (IR10.38). For the reasons given at IR10.39-10.40, he agrees that it is material that the site is available now and that the detailed element of the scheme can be delivered relatively quickly to address known commercial and policy needs (IR10.40).

Economic benefits

26. The Secretary of State agrees that the development would deliver a range of other socio-economic benefits as set out at IR10.41. He agrees, for the reasons given at IR10.42, that these benefits carry significant weight in a Borough where, according to the CS, a 'high concentration of jobs are low skilled and within declining sectors of the economy'.

Economic Considerations Overall

27. For the reasons given at IR10.23-10.43 the Secretary of State agrees with the Inspectors that there is a demonstrable policy and market need for logistics floorspace on a regional, subregional and local level, and that with regards to Wigan, that need is particularly stark and cannot be met through existing or other non-Green Belt sites (IR10.44). He also agrees that the policy would accord with CS Policy CP5, by delivering much needed employment floorspace in a Borough that has consistently been unable to provide suitable and sufficient employment land (IR10.45). For the reasons given, the Secretary of State agrees with the Inspectors' conclusions at IR10.126-127 that Wigan has, and continues to, suffer from poor take up rates due to constraints on its supply of employment land. He agrees that in light of the current policy vacuum there is no imminent prospect of the supply issue being addressed. He further agrees that consequently, very substantial weight has to be accorded to the delivery of up to 133,966sqm of high-quality logistics floorspace.
28. The Secretary of State agrees the development would accord with the objectives of paragraphs 80 and 82 of the Framework by both creating the conditions in which business can invest and satisfying the need to support economic growth. He further agrees that the proposal would also address the specific locational requirement of the logistics sector and make provision for storage and distribution operations at an appropriate scale (IR10.45) For the reasons given, he agrees with the Inspectors'

conclusion at IR10.128 that these locational benefits carry further significant weight in favour of the application.

29. He further agrees for the reasons given that the proposal would deliver a substantial range of tangible economic benefits including well paid jobs for local people (IR10.44). He agrees with the Inspectors at IR10.129 that these socio-economic benefits would boost the local economy and would help to address economic inequalities in nearby communities. He agrees that these benefits carry substantial weight.

Highways – Impact of Development on the Road Network

30. The Secretary of State notes that neither the Council's Highway Department, Transport for Greater Manchester (TfGM), St Helens Council nor Highways England (HE) object, and all statutory consultees judge the development would be acceptable in terms of its impact on the strategic and local road network, subject to appropriate mitigation (IR10.46).
31. The Secretary of State agrees with the Inspectors' analysis of transport evidence at IR10.46-10.65. He agrees that the proposed improvement schemes at J24 and the Bryn Interchange would mitigate the impact of development and, in the latter case, would provide some incidental betterment to highway users (IR10.65). He further agrees that the site boasts excellent sustainability credentials with walking, cycling and the use of public transport all viable and realistic alternatives to the private motor car (IR10.65). Overall he agrees that the proposed development would comply with paragraphs 108 and 109 of the Framework.

Environmental Considerations

Landscape and visual impact

32. For the reasons given at IR10.66-10.73 the Secretary of State agrees with the Inspectors that while there would be some visual and landscape harm arising from the loss of the site's open character, the visual and landscape effects of the proposal could be satisfactorily mitigated within a reasonable period of time such that the overall level of harm due to the development would be moderate rather than significant (IR10.73). The Secretary of State considers that this visual and landscape harm carries moderate weight.

Ecology, Biodiversity and Arboriculture

33. The Secretary of State agrees with the Inspectors that, for the reasons given at IR10.74 to 10.81, overall, and notwithstanding the genuine concerns raised by local residents in respect of ecology matters, the impact of the development has been adequately assessed (IR10.81). He further agrees that the proposal would not result in harm to any designated nature conservation sites or loss of any irreplaceable habitats. The Secretary of State agrees that, subject to mitigation measures, the development would secure a 10% biodiversity net gain, consistent with the Framework and CS Policies CP9 and CP12 (IR10.81). The Secretary of State agrees, for the reasons given, with the Inspectors' analysis of biodiversity net gain at IR10.98-10.104. He further agrees that the biodiversity net gain obligation meets the statutory tests (IR10.104). He agrees

(IR10.130) that the biodiversity net gain and the highway benefits collectively attract moderate weight.

Air quality

34. The Secretary of State notes that part of the site is within a designated Air Quality Management Area (AQMA). For the reasons given at IR10.83-10.87 the Secretary of State agrees with the Inspectors at IR10.87 that air quality matters have been satisfactorily assessed and addressed in the evidence and that there would be no conflict with CS Policy CP17, UDP Policy EV1B, the Air Quality Supplementary Planning Document or paragraph 181 of the Framework.

Public rights of way

35. The Secretary of State notes the applicant's PRow Strategy Plan is considered acceptable to the Council (IR10.88). He agrees with the Inspectors that the PRow Strategy Plan removes the opportunity for local residents to undertake a circular walk. He agrees, however, that the finer details for the treatment of those public footpaths through the outline element of the development are not fixed and it might be possible to incorporate such a route at a later date (IR10.88).

Other matters

2013 Core Strategy Inspector's Report

36. The Secretary of State notes the Inspectors' observation that their overall conclusion is at odds with the examining Inspector at the 2013 Core Strategy examination (IR10.108). He agrees with the Inspectors at IR10.108 that based on the evidence the 2013 decision should not command any significant weight in this case.

Cross-boundary Matters

37. For the reasons given at IR10.109-IR10.110, the Secretary of State agrees with the Inspectors that cross-boundary issues do not arise and that the present application may appropriately be determined independently on the basis of this Inspectors Report alone (IR10.111).

Mineral safeguarding, living conditions, odours, hazardous chemicals, emergency vehicle access, publicity, flood risk, property values, localism

38. For the reasons given at IR10.112-10.120 the Secretary of State agrees with the Inspectors' analysis of impacts on minerals safeguarding, living conditions, odours, hazardous chemicals, emergency vehicle access, publicity, flood risk, property values or localism.

Planning conditions

39. The Secretary of State has given consideration to the Inspector's analysis at IR10.89-10.95, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with

the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B of this letter should form part of his decision.

Planning obligations

40. Having had regard to the Inspector's analysis at IR10.96-10.107, the planning obligation dated 08 February 2021, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR10.107 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

41. For the reasons given above, and in the light of his conclusion in paragraph 43 of this letter, the Secretary of State finds no conflict with development plan policies, and thus concludes that the application is in line with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

42. The material considerations weighing against the proposal are the definitional harm to the Green Belt by virtue of inappropriate development, the limited and localised harm to Green Belt openness and the moderate harm from encroachment into the countryside. The Green Belt harm carries substantial weight. Also weighing against the proposal is the moderate visual and landscape harm, which carries moderate weight.

43. Weighing in favour of the proposal are the delivery of logistics floorspace which he accords very substantial weight. The locational benefits carry further significant weight. The socio-economic benefits also carry substantial weight. The biodiversity net gain and highway benefits collectively attract moderate weight.

44. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the economic and other benefits of the proposal are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development. As such he finds no conflict with CS Policy CP8 or Green Belt policy in Section 13 of the Framework.

45. Overall the Secretary of State considers that the material considerations in this case indicate a decision which is in line with the development plan – i.e. a grant of permission.

46. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

47. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for:

- Full planning permission for the erection of 27,871 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), comprising two units and the provision of associated infrastructure

including sub-station, car parking, landscaping, access from the A49 roundabout and internal estate road; and

- Outline planning permission for the erection of up to 106,095 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), including car parking, internal estate road and landscaping. All matters except for access are reserved, with access proposed from the A49 roundabout.

in accordance with reference A/18/85947/MAJES date 16 August 2018.

48. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

49. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

50. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

51. A copy of this letter has been sent to Wigan Metropolitan Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Regional Growth and Local Government on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

Annex B List of conditions



Appeal Decisions

Inquiry opened on 19 October 2021

Site visit carried out on 21 October 2021

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal A: APP/K2420/W/21/3274706

Appeal B: APP/K2420/W/21/3279939

Land north of Stanton Lane, Stanton under Bardon

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - Both appeals are made by Wood Farm Holdings against the decisions of Hinckley and Bosworth Borough Council.
 - The application the subject of Appeal A, No 20/00407/HYB, dated 1 May 2020, was refused by a notice dated 11 November 2020.
 - The application the subject of Appeal B, No 21/00531/HYB, dated 21 April 2021, was refused by a notice dated 21 July 2021.
 - In both cases, the development proposed comprises a *Hybrid application seeking outline permission for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2) and associated infrastructure including the formation of a new access (all matters reserved except for access) and the demolition of existing farmstead, and full planning permission for the erection of two replacement farm managers' dwellings and associated agriculture buildings and structures.*
-

Documents handed up to the Inquiry are listed at Annex B below and are prefixed with 'Doc'. Core Documents are prefixed with 'CD' and can be accessed via the electronic library https://www.hinckley-bosworth.gov.uk/info/200074/planning_and_building_control/1772/public_inquiry_wood_farm_stanton_lane_ellistown

Decisions

Appeal A

1. For the reasons that follow, the appeal is dismissed.

Appeal B

2. For the reasons that follow, the appeal is allowed and planning permission is granted for a hybrid application seeking outline permission for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2) and associated infrastructure including the formation of a new access (all matters reserved except for access) and the demolition of existing farmstead, and full planning permission for the erection of two replacement farm managers' dwellings and associated agriculture buildings and structures, on land north of Stanton Lane, Stanton under Bardon, in accordance with the terms of the application, No 21/00531/HYB, dated 21 April 2021, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural and Preliminary Matters

3. There are slight differences in the wording on each of the application forms and in the descriptions of development used on the Council's Decisions Notices. The description of development used in the header above is agreed by the parties.
4. Each appeal was accompanied by a schedule of planning obligations in the form of a draft deed of agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended). The provisions secured are a material consideration and are dealt with in more detail later on in this Decision.
5. Preparation of the emerging 2020-2039 Local Plan is still at an early stage. Whilst Regulation 18 consultation was undertaken earlier this year, consultation on a Regulation 19 version of the plan, that responds to the comments received during the Regulation 18 stage, has not yet been undertaken. Consequently, a full draft plan has not been published, meaning that there has not been an opportunity to consult on draft policies. That early stage means that the emerging plan carries little, if any, meaningful weight in my determination of this appeal.
6. Whilst the parishes of Stanton under Bardon and Bagworth and Thornton are working together to prepare a Neighbourhood Plan, preparation is still at an early stage. A Regulation 14 (pre-submission) consultation took place in Spring this year, with the Council's subsequent response raising a range of comments and queries, including the need for further changes and modifications to secure required conformity. Its early stage means that the emerging Neighbourhood Plan policies can be afforded little, if any, meaningful weight in my determination of this appeal.
7. In relation to the outline element of the schemes proposed, all matters other than access are reserved for future consideration. In addition to the site location plan and access details, the appeals are also determined on the basis of the respective Development Parameters Plans.¹
8. The appeal site is the same for both schemes, as are the access arrangements and the proposals for the replacement farmstead. The main differences relate to a reduction in the developable B2 and B8 use class floor space on the main site from 144,200 sqm in Appeal A to 89,200 sqm in Appeal B, leading to a reduction in developable area (reduced from 21.8ha in Appeal A to 16.5ha in Appeal B) together with increased landscaping and bunding and slightly reduced development plateau heights.
9. The plans indicate diversion of an existing public footpath (R9) that cuts across the southeastern corner of the proposed farm site. Were the appeals to succeed, the footpath could not be diverted unless and until a successful application for diversion had been made. That said, should such an application be unsuccessful, there would be no implications for implementation of the replacement farmstead, since it allows for the route to be retained on the definitive alignment, as shown on the Illustrative Landscape Strategy Plan.² The current route of the footpath therefore has no bearing on the outcome of these appeals.

¹ No 30865-PL-202La for Appeal A; No 30865-PL-202W for Appeal B.

² No 6756-L-10B in the appellant's respective Landscape and Visual Appraisals (LVAs)

Main Issue

10. The Council's objections to both schemes relate solely to the employment development proposed, with no objections raised to the proposed relocated farmstead. It was agreed in this regard, that the main issue in this case relates to the effect of the employment development, including associated infrastructure, on the character and appearance of the area, including the National and Charnwood Forests.

Reasons for the Decisions

11. The site is not allocated for development in the current development plan and is located outwith any defined settlement/development boundary. Consequently, it lies in open countryside for the purposes of planning policy. One of the most important policies in this regard is policy DM4 of the Hinckley and Bosworth Local Plan Site Allocations and Development Management Policies DPD (adopted in 2016).
12. The policy seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside by protecting it from unsustainable development. It sets out that development in the countryside is considered sustainable where, among other things, it significantly contributes to economic growth, job creation and/or diversification of rural businesses. It was a matter of common ground in this regard, that both schemes would generate significant benefits in terms of economic growth and job creation. However, in order to be considered sustainable in the terms of the policy, development must also meet a further five criteria. Of particular relevance to these appeals is criterion i), which requires that development should not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.

Site and Surroundings

13. Although the address given for both developments is Stanton Lane, the site for the relocated farm is on Ellistown Lane, which is a continuation of Stanton Lane as it heads towards Stanton under Bardon.
14. In addition to the existing farm buildings and mangers' dwellings, the main (employment) site comprises almost 33 hectares of gently undulating medium sized agricultural fields on a roughly north/south alignment, defined by field hedgerows and hedgerow trees. The site is traversed by a series of overhead power lines, supported on a range of pylons, originating from an electricity substation located just beyond the eastern site boundary, fronting onto Stanton Lane.
15. The western boundary of the proposed employment site is defined by the B585 (West Lane/Victoria Road). A number of mature trees and tree groups are located along this boundary, the southern end of which is covered by a Tree Preservation Order. The southern boundary of the site is defined by Stanton Lane. That length of the site frontage between the roundabout junction with West Lane and the existing farm buildings is well treed. The boundary beyond the farm buildings comprises hedgerow and some isolated mature oak trees.
16. Ground levels across the main site rise up from Stanton Lane to a ridge, beyond which is New Cliffe Hill Quarry and its associated rail spur. There is a general rise of around 17-20 metres across the site from south to north. The

top of the ridge slope, beyond the appeals site, rises more steeply than the fields and comprises a continuous strip of relatively young woodland. The northern boundary of the appeals site extends up to, but does not include that woodland. A public footpath (R114) runs from West Lane through the appeals site, along the edge of the elevated woodland here, towards Stanton Under Bardon.

17. A large part of the main appeals site consists of 'made ground', the site having been used to accommodate material associated with development of the adjacent quarry. The depth of that material above the original ground profile varies from roughly 1.00 – 3.5 metres, with pockets of deeper fill, including an area up to some 19 metres in depth at the highest point of the site.³ Together with the creation of new field boundaries, those works changed the historic character and topography of much of the site, albeit still agricultural in use and character.
18. In addition to the quarry, the immediate context of the site includes extensive and ongoing warehouse/distribution development to the west (on the opposite side of West Lane) and to the northwest (within the wider Bardon/Interlink employment area), a solar farm to the southwest on the opposite side of Stanton Lane (approved in 2015),⁴ with areas of farmland and pockets of woodland extending away to the south and southeast.
19. Strawhall Farm lies on the south side of Stanton Lane, opposite the main appeals site. The farmhouse and farm buildings are accessed via a long drive off the lane. There is a small group of houses further to the east on the southern side of the lane, with another farm further along, also on the southern side, opposite the proposed farm site. The village of Stanton under Bardon lies approximately 1 kilometre (km) to the east of the main site, some 300m to the east of the farm site, with the village of Bagworth lying approximately 1.3 – 2.3km to the south.

Employment Proposals

20. For Appeal A, the Development Parameters Plan indicates a core development zone split into three areas providing a maximum 114,200 square metres of B2 and B8 floorspace,⁵ including ancillary offices, surrounded by landscaping, including existing retained trees. For Appeal B, the Parameters Plan shows a single core development zone providing a maximum 89,200 square metres of B2/B8 floorspace⁶ surrounded by landscaping.
21. It was confirmed that whilst the maximum development heights extend across the whole of the core development zone on both plans, in practice, the buildings would be set back from the edges of those areas to accommodate parking, servicing, loading/unloading and lorry manoeuvring space etc around them. In this regard, whilst some of the photomontages show development at the maximum parameter height right up to the edge of the core development zone,⁷ it was confirmed that that would not happen in practice because of the

³ Doc 13

⁴ Doc 8

⁵ Development area 1: finished floor level 176.655-177.655m AOD, max height 21 metres; Development area 2: finished floor level 176.9-177.9m AOD, max height 21 metres; Development area 3: finished floor level 172.00-173.00m AOD, max height 18 metres

⁶ Within the core development zone, the finished floor level is shown as 177.00-177.50m AOD with a maximum building height of 21 metres

⁷ Figures 8(d)A, 8(e)A, 8(i)A, 8(j)A, 8(n)A, 8(o)A, 8(s)A, 8(t)A in the appellant's respective LVAs (CD 1.7 and 1.8)

- servicing requirements etc referred to, as shown on the Illustrative Landscape Strategy plans.⁸ I am content in this regard, that whilst the employment element of the appeal schemes is in outline only, the other photomontages showing the developments proposed in relation to the baseline position on completion, and at year 15, are based on a realistic indication of the likely location of the proposed buildings at the maximum parameter height.
22. Both schemes involve cutting/filling a large proportion of the undulating site to create level development platforms. The submitted plans show that towards the higher, northern part of the site, the ground could be lowered by up to 10-15 metres, with land towards the south and east of the site, potentially raised by up to around 7 metres. In both appeals, that platform would be higher than Stanton Lane.⁹ The illustrative landscape strategy plans for both schemes, on which the landscape and visual evidence was based, also include the formation of substantial planted bunds.¹⁰
23. In the **Appeal A** scheme, the Illustrative Masterplan¹¹ shows two large units lying perpendicular to the lane within the larger, western portion of the site, with a third smaller unit lying parallel to the lane within the narrower eastern part of the site, set back towards the northern site boundary. A drainage attenuation pond is shown between that unit and the eastern site boundary. As shown on the Illustrative Landscape Strategy,¹² starting at the eastern end of the site frontage, the proposed bund would wend alongside the lane, between the lane and units 2 and 3. Whilst its height would vary, it would be roughly 9-11 metres higher than the lane, approximately 6-10 metres higher than the existing ground profile within that part of the site on which it would be constructed.¹³ The top and upper parts of the bund would be densely treed. In addition, an off-site tree belt to the east of the main appeals site, along the line of an existing north/south field hedge is proposed.¹⁴
24. The **Appeal B** scheme is shown as comprising two units in much the same position and of similar size as units 1 and 2 in scheme A, with the same height above ground level although on a slightly lower development platform. However, the eastern part of the site is entirely given over to landscaping, intended to provide what was described at the Inquiry as community woodland. Footpath links are shown as traversing that area.
25. The proposed bund is much more substantial than that in Appeal A. The Illustrative Landscape Strategy¹⁵ shows it curving around unit 2, between the building and the lane, before turning northeast through the site alongside unit 2, tying into the higher land on the northern site boundary. Whilst the height of the main bund would vary, it would be approximately 14 metres higher than the lane, approximately 12 metres above the existing ground profile within the site.¹⁶ The community woodland area, shown as including two attenuation ponds as well as retention of an existing pond, would also be mounded.

⁸ Plan No 6756-L-07E for Appeal A, No 6756-L-18A for Appeal B in the appellant's respective LVAs

⁹ Eg Illustrative cross sections Plan Nos 6756-L-11 and 6756-L-08C in the Appeal A LVA and Plan Nos 6756-L-11C and 6756-L-19 in the Appeal B LVA

¹⁰ Plan No 6756-L-07E (Appeal A LVA) and 6756-L-18A (Appeal B LVA)

¹¹ Plan No 30865-PL-203Ba (CD1.26)

¹² Plan No 6756-L-07E (Appeal A LVA)

¹³ Illustrative cross sections A-A and B-B on Plan No 6756-L-11 and D-D on Plan No 6756-L-08 C (Appeal A LVA)

¹⁴ Plan No 65756-L-09C (Appeal A LVA)

¹⁵ Plan No 6756-L-18A (Appeal B LVA)

¹⁶ Illustrative cross section A-A' Plan No 6756-L-11C (Appeal B LVA)

26. The access arrangements, which are the same for both schemes, comprise a new roundabout junction on the B585 (West Lane) located towards the northern corner of the site, and a car/motorcycle only access onto Stanton Lane, near to its junction with West Lane.

Character and Appearance

27. Landscape effects are generally defined as the effects of a proposal on the landscape as a shared public resource, with the quality and value of a landscape determining its capacity to absorb change. Visual effects relate to how people would be affected by changes to views and visual amenity at different locations.

Landscape Context

28. The appeals site and its surroundings do not lie within any national or local landscape designations and the main parties are agreed that it does not form part of a valued landscape for the purposes of paragraph 174 of the National Planning Policy Framework (the Framework). That is not to say however, that it has no value. Indeed, its current open, undeveloped character and appearance is clearly valued by the community.
29. Located within the National Forest, on the western fringe of Charnwood Forest and at the interface of a number of landscape character areas,¹⁷ the site is in an area of transition. Key landscape characteristics relevant to the site drawn from the range of Landscape Character Assessments include: a gently undulating landform with localised steep slopes around rocky outcrops; although a predominantly rural landscape there are urban fringe influences including poles/pylons, solar farms and effects of past and present coal and clay working; small to medium fields and a developing woodland character; contrast between areas which are visually open and enclosed depending on the elevation of the landscape; diverse land uses; several public rights of way, including the Ivanhoe Way, with large scale expansive views from higher levels.
30. The appeals site itself is predominantly shaped by its undulating topography with ground levels generally rising from south to north, medium-scale farmland, woodland, trees, hedgerows and the power lines that cross it. Whilst its topography is in no small part the product of operations associated with the adjacent quarry, it now forms a well-established part of the wider undulating landscape. These characteristics reflect some of the key characteristics identified in the various LCAs.
31. In terms of its context, whilst there are urban influences, I agree with the Council that other than the power lines crossing the site, these are limited in

¹⁷ Eg Mr Wheeler's Figure WW_02 and Figures 3, 4 and 5 in the appellant's LVAs. At national level, it is located on the eastern edge of National Character Area (NCA) 71: Leicestershire and South Derbyshire Coalfield and adjoins NCA 73: Charnwood. Within the East Midlands Regional Landscape Character Assessment (2010) the site is located in Landscape Character Type (LCT) 10d: Forested Ancient Hills. At county level, the site is within The Coalfield LCT as defined by the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy. At a more local level, the site forms part of Landscape Character Area (LCA) A: Charnwood Forest Settled Forest Hills, as defined in the Hinckley and Bosworth Landscape Character Assessment document (2017) adjoining LCA B: Charnwood Fringe Settled Forest Hills. The boundary between those two LCAs runs along Stanton Lane/Ellistown Lane at this point. In the later Charnwood Forest Landscape Character Assessment (2019) the site is shown as lying within LCA 6: Thringstone/ Markfield Quarries and Settlement, adjacent to LCA 11: Thornton Plantation Farmlands. The boundary between these LCAs runs along Stanton Lane for the most part, other than at the western end where the boundary dips south, such that the solar farm on the southwestern side of the lane is included in LCA 6.

terms of their visual impact. For instance, there is no discernible visual perception of the quarry from the appeals site or the surrounding countryside, with the combination of topography and vegetation meaning that the adjacent industrial development to the north/west (including the Bardon 2 scheme on the opposite side of West Lane (B585) generates only a limited influence on the character of the site itself. In essence, the generally agricultural appearance of the site provides a marked contrast to that built form of development.

32. I appreciate that on plan, the solar farm to the south, and the Pall-Ex building beyond, have effectively 'jumped' the apparent dividing line created by the B585, as has the quarry to the north of the site. On the ground however, they do not read in that way. The solar farm is on lower ground than the appeals site and is well screened in most views by existing boundary vegetation around that site. The Pall-Ex building lies further to the southwest, beyond the solar farm, again on lower ground and does not impose itself on the appeals site. When seen in context, their presence affects the landscape of the appeals site only to a very limited degree.
33. The landscape value of the site is described by the appellant as medium, with the Council agreeing, albeit maintaining that it is towards the higher end of the range of that as a consequence of the views from higher elevations ie from public footpath R114 as it traverses along the undulating northern site boundary.¹⁸ From my own observations on the site visit, I tend towards the Council's view on this. In terms of sensitivity to development, I recognise that at county level, landscape character area B Charnwood Forest¹⁹ referred to by the Council is identified as having a moderate-high sensitivity to change, but the appeal site lies within area is separated from that by the quarry. In relation to the more local LCAs, it seems to me that in general, the landscape can be described as having a generally medium overall sensitivity to change.

Visual Context

34. In places, the appeal site is well contained by mature vegetation and the undulating landform. That is particularly true for the western corner of the site. However, the generally rising landform means that the site is visible over a wider area than would otherwise be the case. There are publicly available views into and across the site including from West Lane at the northern end of the site, and from Stanton Lane; from public footpath R114, with views being from an elevated position here, including not only the appeal site but which also encompass impressive longer range panoramic views to the south/southeast; from footpath R31 which connects R114 to Stanton Lane, adjacent to the electricity substation and which forms part of a circular National Forest route (Grange Walk); and from the northern ends of footpaths R33 and Q99 on the opposite side of the lane. There are also views from the private drive that leads to Strawhall Farm, although the house itself is generally orientated to face east/southeast, away from the appeal site.²⁰
35. There are also longer range views of the appeals site, including from properties on the southwest edge of Stanton under Bardon and the adjacent stretch of the Ivanhoe Way footpath, and more distantly from properties on the eastern side of Bagworth, as well as from various other public rights of way.²¹

¹⁸ Eg photoviewpoints 6 and 6 in the appellant's LVAs

¹⁹ Identified in the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy

²⁰ See eg photoviewpoints 1, 4, 5, 6 and 7 in the appellant's LVAs

²¹ See eg photoviewpoints 9, 10, 15 and 16 in the appellant's LVAs.

Landscape and Visual Effects

36. Whilst I have been guided by the formal assessments undertaken by both parties, my views on both this matter and the visual effects, are also informed by what I observed during my extensive site visit.
37. It is unavoidable that the built development and major earthworks proposed would have a dramatically adverse impact on the landscape character of the site itself. The farmland would be replaced by built development, together with extensive areas of cut and fill to create level development platforms within the site, substantial bunding, and access arrangements including a new roundabout on the B585. Those alterations would be readily apparent, particularly during construction and on completion, in views from the adjacent farmstead (Strawhall Farm) the local public rights of way network across and around the site, from Stanton Lane/Ellistown Lane and the B585, and in longer range views from the wider countryside. As confirmed by the photomontages in the appellant's respective Landscape and Visual Appraisals (LVAs) those impacts, particularly in terms of built form, would be much greater in terms of Appeal A than Appeal B.
38. After 15 years, as the screening effects of the proposed planting, combined with the bunding, start to have a meaningful effect, the effects reduce to varying degrees. In the **Appeal A** scheme, whilst the planting and bunding would reduce the impact in views from Stanton Lane, the buildings would, even after 15 years, still be seen to have a significant adverse effect on the landscape. In views from the southwestern edge of Stanton Under Bardon and from the adjacent stretch of the Ivanhoe Way, whilst the buildings would breach the skyline, that would not be to any material degree. Moreover, the skyline in that view is already punctuated by electricity pylons. Combined with the distances involved, I am content that the off-site planting belt referred to earlier, along an existing hedged field boundary, would sufficiently mitigate that impact in those views. In longer range views from the southeast however, the planting/bunding would have little effect. The buildings proposed would breach the skyline over a significant distance of the horizon, with a consequential significant effect on the landscape, especially given the agricultural context of those views. From more distant vantage points to the south on the southeastern edge of Bagworth, the buildings would also be clearly discernible, spreading across a significant extent of the horizon. I recognise that the existing brickworks and Bardon 2 buildings can be seen those views but even so, the introduction of the substantial buildings proposed spreading across a much more of the horizon would have what I consider to be a significant adverse impact in those views.
39. There are no photomontages of future views across the appeal site from that part of footpath No R114 which traverses the length of the northern site boundary. As can be seen on cross-section D-D,²² together with the Illustrative Landscape Strategy, whilst some planting is proposed between the footpath and the top of the area to be excavated, the top of the units proposed, even on their excavated platform, would be higher than the level of the footpath, with users of the footpath looking down into the development site for some considerable distance. Moreover, not only would the introduction of planting

²² Plan No 6756-L-08C in the Appeal A LVA

here also screen the impressive long, wide-ranging views to the south/southeast that are currently to be had, but any increase in planting to screen views into the site and of the buildings would further impede any remaining longer range views. Whilst it was maintained that there would be views between proposed units 2 and 3, those would be constrained by the buildings to either side and would be across parking and access roads etc. I am in absolutely no doubt that in views from the footpath as it passes through the appeal site, and in views when approaching from the east on the footpath (once past the tree planting belt referred to earlier) the impact of the proposal would be substantial and adverse. The combination of adverse effects identified cannot, in my view be considered as anything other than resulting in significant harm to the intrinsic value, beauty, open character and landscape character of the countryside.

40. In the **Appeal B** scheme, the amount of built development is reduced, the development platform is very slightly lower and the extent and height of the proposed bunding is increased, as is the amount of planting. Dealing firstly with the buildings proposed, after 15 years, as is demonstrated by the photomontages, the development would be well screened in views from the lane, from the edge of Stanton Under Bardon, in longer range views from the southeast and from the more distant vantage points on the southeastern edge of Bagworth. The proposed bunding and planting would, in my view, largely mitigate the impact of the development on the landscape in those views.
41. Based on cross-section D-D,²³ together with the Illustrative Landscape Strategy, the impact in relation to units 1 and 2 would be virtually identical to that described for the Appeal A scheme in terms of views from that part of footpath R114 adjacent to the site. Absent unit 3 however, those adverse impacts would affect a shorter length of the footpath than would be the case in the Appeal A scheme. Similarly, on approach along the footpath from the east, the bunding and extensive planting would screen views of the buildings until the viewer was much closer to them. That said, I am in absolutely no doubt that in views from the footpath as it passes by the appeal site, the adverse impact of the proposal would, nevertheless, be substantial.
42. Moving on to the bunding, the Council maintained that its size and form mean that it would be seen as oppressive for those travelling along Stanton Lane. I do not agree. This is an undulating rural landscape with generally open views across falling land to the south/southeast of the lane. Views to the north from the lane, across the appeal site, are already of rising land. The bund would not run alongside the entire length to the site frontage. Rather it would lie between the lane and the corner of proposed unit 2 (opposite the drive to Strawhall Farm) before heading into the site alongside unit 2, to tie in with the higher land to the north.
43. As can be seen in the cross sections within the LVA,²⁴ the foot of the bund would be set back from the edge of carriageway by approximately 6 metres, behind the conserved roadside trees and hedging, with the maximum height of the bund not reached until some 45 metres or so back from the carriageway edge. The top and upper slopes of the bund would be densely treed. Whilst those using the lane would no doubt be aware of the rising land on the appeal

²³ Plan No 6756-L-19 in the Appeal B LVA

²⁴ Eg cross-section A-A1 on Plan No 6756-L-11C and section D-D on Plan No 6756-L-19

site, I see no reason as to why this would necessarily be seen as oppressive, especially given the open land on the other side of the lane, in much the same way as the steeply rising treed crest of the ridge, adjacent to footpath R114 as it traverses the northern boundary of the appeal site, is not experienced in anyway as oppressive.

44. In terms of the form of the bund, I am mindful that even though fill material currently on the site is up to 19 metres in depth, it has still been formed in such way as to reflect the undulating nature of the area. I note, in this regard, that the bund is shown on the illustrative landscape strategy as having a sinuous form, with differing widths along its length and with the top and upper parts densely planted, as would be the mounding shown within the community forest within the eastern part of the site.
45. The proposed bund is clearly a very substantial feature of itself and it would undoubtedly change the contours and appearance of the appeal site. However, change does not necessarily equate to harm. Indeed, the final contours would be subject to detailed design at a later stage, a matter over which the Council would have a degree of control were the appeal to succeed. I am also mindful that key characteristics of the landscape character areas here include localised steep slopes around rocky outcrops, and a developing woodland character with contrast between areas which are visually open and enclosed depending on the elevation of the landscape. Moreover, key opportunities include the provision of new woodland cover, as well as ensuring that, in this open landscape, the design of urban fringe developments, including warehousing and light industrial units, mitigates the visual impact on the landscape by, for example, planting shelterbelts or constructing bunds where appropriate and compatible with the landscape. In that context, the bunding, especially once the planting becomes established, would not of itself necessarily be seen in my view, as a significant detractor in the landscape. That said, I consider that whilst most impacts could be mitigated such that any harm to the intrinsic value, beauty, open character and landscape character of the countryside could be considered as minor/moderate adverse, the effects in terms of the impact on the site itself and the experience of users of R114 would so substantial that the overall effect falls to be considered as significant.

Conclusions on Character and Appearance

46. Whilst Mr Wheeler (for the Council) sought to argue that the appeal site is unsuitable in principle for the type of development proposed, I do not agree. Policy DM4 clearly accepts the principle of new development where, among other things, it significantly contributes to economic growth and job creation. As set out at the start, there is no argument that the appeal scheme would make a significant contribution in this regard. Thus, there can be no objection in principle. Rather it is the specific impacts of the schemes that needs to be assessed.
47. In relation to both schemes, I have found the harm to the character and appearance of the countryside that would be a consequence of the developments proposed to be significant, even at year 15 when the proposed mitigation planting might be expected to have a meaningful effect. I find the harm in relation to Appeal A to be materially greater than in Appeal B. Nevertheless, in both appeals, that brings the development into conflict with policy DM4, one of, if not the most important policy in this case.

Benefits of the scheme

48. Market evidence in the September 2021 CBRE Report,²⁵ updates key points in earlier reports regarding the shortage of employment land supply, and the significant increase in demand for large scale sites and buildings. The Report confirms that demand has increased notably through the pandemic, where the trend towards increasing use of online 'e-retail' for a range of goods and products accelerated. This, coupled with Brexit and associated structural changes to supply chains and the movement of goods, is reported to be driving demand for more storage and distribution space (and generally larger buildings) across the Midlands and other key locations in the UK distribution sector within the M1 corridor, including the appeals site.
49. Demonstrating the severity of the imbalance between the supply of land and buildings and demand, the CBRE identifies an existing supply equivalent to around three months' demand in the Midlands and UK, compared with a healthy, sustainable level which would normally be around 12-15 months' supply space. I am in no doubt in this regard, that the appeal schemes, which build on the successes of previous phases at the adjacent Mountpark Bardon site, would help meet a number of large-scale local requirements that are currently looking in the Bardon area, but which remain unsatisfied due to a shortage of existing warehouse space and land availability. This is a consideration that attracts significant weight, particularly so given the prime location of the site within what is termed by the market as the Golden Triangle, at the core of the UK logistics market, with excellent access to the strategic road network at the M1 (Junction 22) via the A511 growth corridor, and having regard to paragraph 83 of the Framework, which confirms that planning decisions should recognise and address the specific locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
50. Local residents drew attention to the supporting text to DPD policy DM20, relating to the provision of employment sites,²⁶ in particular the reference to sufficient employment land being available in the Borough to support the identified growth over the Plan period. However, the DPD was adopted in 2016 and would have been based on an older evidence base. The independent CBRE report draws on much more up to date figures and its findings were not challenged with any substantiated evidence. I am content, in this regard, that there is a demonstrated need for the development proposed.
51. In addition to helping meet the pressing needs of logistics operators, the appellant's Socio-Economic Statements predict, in relation to Appeal A, that with an indicative construction cost in the region of £80 million, the scheme would support around 575 construction jobs each year over an estimated 24 month construction period, with the development itself, once completed, having the potential to support around 1,500 FTE jobs (calculated on B8 logistics and distribution uses) more if B2 manufacturing is included. Whilst it is difficult to define precisely the nature of the job roles that would be supported on site, I was advised that these would, contrary to the views of

²⁵ Appendix 1 to the proof of Mr Harley. This report post-dates

²⁶ The policy, identified by the main parties as one of the most important policies in this case, allows for the development of new employment sites outside settlement boundaries on greenfield sites where, among other things, there are no suitable alternative sites identified sequentially in a range of locations, one of which relates to land adjacent to existing employment areas. It is a matter of agreement that there is no conflict with this policy.

- some local residents, range across a number of occupations, both higher and lower-skilled. It is also estimated that around 800 jobs (out of the 1,500 jobs supported on site) would be likely to be staffed by residents from within a 10km radius, including areas that exhibit relatively higher deprivation such as Bagworth and Thornton, Groby and Coalville. The higher median salaries for jobs in logistics are also expected to support a further 430 FTE jobs within the supply chain and as a result of induced spending in the area generally. Wider fiscal benefits would also be created for the Council, primarily through an increase of some £1.7 million in business rates revenue.
52. Corresponding figures for the Appeal B scheme suggest an indicative construction cost in the region of £63 million, supporting around 450 construction jobs each year over a two year construction period, with the development itself, once completed, having the potential to support around 1,200 FTE B8 logistics and distribution jobs, more if B2 manufacturing is included, which jobs are likely to range across higher and lower-skilled occupations. It is also estimated that around 650 jobs of those jobs would be likely to be staffed by residents from within a 10km radius, including local areas that exhibit relatively higher deprivation. The higher median salaries for jobs in logistics are also expected to support a further 350 FTE jobs within the supply chain and as a result of induced spending in the area generally, with wider fiscal benefits for the Council in the form of some £1.3 million in additional business rates revenue.
53. Although unquantified, additional employment benefits relating to both schemes include the apprenticeships and work experience and skills related training opportunities which are included in the planning obligations.
54. There was no dispute between the parties that the weight that can be afforded to the combination of all these employment and economic benefits is significant. I have no reason to disagree.
55. To differing degrees, both schemes include the creation of additional public footpath links in the area. The Illustrative Landscape Strategy for Appeal A shows a footpath running along the eastern and southern site boundaries, linking the existing footpath R114 along the northern boundary of the site to the northern end of footpath Q99 (adjacent to the junction of the Strawhall Farm access with Stanton Lane). That could benefit local walkers and is a consideration to which I afford some, albeit limited weight, especially since footpath R114 already links to Stanton Lane just a short distance to the east, via footpath R31.
56. I afford slightly more weight in this regard to the Appeal B scheme, which includes a network of paths criss-crossing the proposed community woodland linking Stanton Lane to footpath R114. It also includes a footpath running alongside Stanton Lane but contained within the site, providing an alternative to that part of Grange Walk which currently runs along the lane requiring users to walk on the carriageway. That internal path also extends further along the site frontage, facilitating off-road pedestrian access to the two units proposed. I recognise that the lane is not heavily trafficked at present, but in my experience, it is not only safer but is generally more pleasant to walk along an off-road route where possible.
57. Whilst the secured contributions towards local bus service improvements and off-site footpath improvements are required as mitigation for the development

proposed, there would also be some potential benefits for existing users. I afford these benefits limited weight.

58. The appellant refers to the buildings in both schemes meeting a BREEAM rating of 'excellent' as a benefit. Whilst policy 24 of the Core Strategy requires that from 2016 onwards, schools, hospitals and offices should meet this standard as a minimum, there is no reference to B8 or B2 uses. I see no reason, however, as to why the same standards should not apply. Nevertheless, since what is proposed goes above what is currently required by policy, and were it to be secured by condition, I consider that it would be a benefit but one that would attract only limited weight in the circumstances.
59. The appeals site lies within the National Forest. The Appeal A scheme is unable to meet the requirement in the National Forest Strategy for at least 30% of the total site area to comprise Forest green infrastructure. To address that, an additional off-site tree belt is proposed (as referred to earlier) secured via the planning obligation. I am not persuaded, however, that compliance with the guidelines is anything more than an absence of harm in this regard. If it attracts any positive weight at all, that weight would be limited in my view, particularly as hedgerows and hedgerow trees would be lost to the development proposed.
60. The Appeal B scheme includes much more substantial planting, including a community woodland. Whilst that is provided as mitigation in the main, to reduce the landscape and visual impacts of the development proposed, it exceeds the minimum 30% requirement, with some 47% of the total site area being dedicated to landscaping, green infrastructure and habitat related works, including the planting of some 10,000 trees. This is a benefit that attracts moderate weight in this case.
61. Whilst it could not be confirmed that there would be a biodiversity net gain in relation to the Appeal A scheme, it was agreed that the Appeal B scheme could achieve a biodiversity net gain. That is a benefit that attracts some positive weight, albeit tempered by the fact that it is unquantifiable at this outline stage. On that basis, I afford that benefit limited weight.

Planning Obligations

62. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
63. The planning obligations are supported by a CIL Compliance Statement prepared by the Council, which sets out its reasons for concluding that the various obligations would accord with Regulation 122 of the CIL Regulations. I allowed a period after the close of the Inquiry for the submission of signed versions.²⁷
64. With one exception, both the planning obligations make the same provisions subject to the usual contingencies. Those provisions can be summarised as:
- a financial contribution towards specific elements of the Coalville Transportation Infrastructure Strategy;

²⁷ Docs 20 and 21

- a financial contribution towards monitoring of the sustainable travel accreditation and recognition scheme;
 - a County Council monitoring contribution.
 - submission of a scheme providing opportunities during construction of the development for apprenticeships and works experience and skills related training;
 - submission of an ongoing management and maintenance plan for the open space within the site;
 - carrying out specified footpath improvements in the vicinity of the site or, in the alternative, paying a footpath contribution to allow the County Council to carry out the specified works;
 - provision of employee travel packs and submission of a sample travel pack to the County Council together with an administration fee or, in the alternative, payment of a travel pack contribution to allow the County Council to provide travel packs;
 - provision of employee travel passes or, in the alternative, payment of a travel pass contribution to allow the County Council to provide travel passes;
 - appointment of a Travel Plan Coordinator for period of no less than five years from first occupation of the final unit to be occupied.
65. As noted earlier, the Appeal A scheme would not provide the required on-site woodland planting in accordance with the National Forest Strategy. To that end, the related S106 Agreement also secures implementation of the off-site area of native woodland planting, pursuant to policy 21 of the Core Strategy, as shown on Plan No 6756-L-09C.
66. The various obligations and the Compliance Statement were the subject of detailed discussion at the Inquiry. Among other things, I was concerned to ensure that the various monitoring fees were properly justified. In light of that discussion, I am satisfied that all the contributions and obligations referred to above are consistent with relevant planning policies, objectives and guidance. They are directly related to the development schemes and are fairly and reasonably related in scale and kind to them, mitigating potential harmful effects on the environment, as well as securing some of the benefits promoted by the schemes. I am content, therefore, that the obligations comply with the requirements set out in the Regulations and the Framework and can be taken in to consideration.

Other Matters

Replacement Farmstead

67. Delivery of the employment element of the appeal scheme necessitates the relocation of the existing farmstead. Full planning permission is sought in relation to this aspect of the scheme. The details the subject of the full application are the same in both appeals.
68. The proposals include two x two-storey replacement farm mangers' dwellings with extensive curtilages, a farm workshop and four agricultural buildings (two

cattlesheds, a grain store and a bullpen/calving units building) plus a covered cattle handling area. The two dwellings would be located one to each side of the proposed farm access drive off Ellistown Lane. The drive would extend beyond the existing hedgerow into the rear of the site where the farm buildings would be located. The workshop building would be located within the curtilage to House No One. Additional planting within the site is proposed, plus a balancing pond in the southeastern corner.

69. Whilst the Council takes no issue with this element of the proposals, local residents had some concerns. Farm workers' dwellings are an appropriate form of development in the countryside and in this case would be closely related to the proposed farm buildings. The agricultural buildings would be typically functional in appearance, appropriate for modern farm buildings. The dwellings would be of brick and tile and would include features such as chimneys and projecting gables to enliven the frontages. Whilst some local residents queried the size of the replacement dwellings compared with the existing dwellings on the holding, it is clear from the plans before me that they are roughly commensurate in terms of floor area. I am content therefore, that should there be a need to replace the existing farmstead such that this element of the appeal schemes is acceptable in principle, then the scheme proposed would not have a materially harmful impact on the character and appearance of the area.
70. Other concerns referred to light pollution and also to odour, given that the farm enterprise involves livestock rearing. Whilst the farm buildings would be closer to existing residential properties than is currently the case, the distance separation and landform, combined with conditions requiring an odour management plan and control over external lighting were the appeals to succeed, would be sufficient in my view to ensure that there was no material harm to the living conditions of existing residents. The distance separation combined with orientation of existing dwellings and intervening vegetation and landform also mean that there are no issues, as asserted by some, in relation to overlooking or material loss of outlook.
71. *Highways:* Although not a reason for refusal, there was considerable concern in relation to the amount of traffic that would be generated by the appeal schemes. Given those concerns, the appellant fielded a witness, at my request, to present highways evidence to the Inquiry.
72. In relation to concerns about traffic routing through Stanton under Bardon, the journey time analyses in the evidence of Mr Cummins clearly demonstrate that it would generally be much quicker, as well as easier, for HGVs leaving the site to drive along the B585 to get to the A511, whichever direction the vehicles then take (either east to the M1, or west). I was also advised that once planned works to the Flying Horse roundabout are completed, as part of the package of improvements planned for the A511 Growth Corridor, it will not be possible to turn right out of Stanton Lane, making a route via the village even longer. The same goes for cars, where routes to nearly all destinations via the B585 will be quicker and easier, although I recognise that cars drivers are generally less restricted in their route choice. To place some control on car routing, the proposed car park access onto Stanton Lane would be designed to prevent right in/left out movements. Whilst drivers could U-turn at the existing roundabout on the B585 and travel back along the lane, that is unlikely to be attractive in terms of travel time for anyone other perhaps, than those, for instance, whose destination is Stanton under Bardon, or possibly Thornton.

73. In relation to farm traffic, which was also mentioned by some, the existing farm is served by three separate driveways. Both proposed schemes would utilise a new, single access (serving both the new dwellings and the farm buildings) at a point further east along Ellistown Lane, designed to comply with the relevant design criteria. There would be no overall increase in associated vehicle movements, with the existing accesses to be closed off. I find no harm in this regard.
74. In relation to wider concerns, in accordance with national guidance, the appellant's evidence on traffic impacts is based on cumulative assessments derived from background traffic levels (ie without the development proposed) determined via traffic counts, which were then 'growthed' to a future assessment year, to which traffic derived from committed developments was then added. Evidence to the Inquiry on this confirmed that the committed developments relied on, included the various schemes referred to by local residents. I am also mindful that adding both general traffic growth and committed developments to current background levels creates a very robust set of traffic forecasts.
75. The results of the assessments demonstrate that in both cases, whilst most of the local junctions would operate within capacity, some key junctions on the A511 would operate overcapacity, even without the proposed developments in place. That is a longstanding problem. Performance would deteriorate further with the development in place, increasing queuing and delays. To address that, the appellant has agreed to the requested contribution towards improvements at eight of the key junctions in the Growth Corridor.
76. I recognise that the A511 improvements would not necessarily be in place by the time the development proposed was operational, but that is because they are part of a suite of improvement works set out in the comprehensive Coalville Transportation Infrastructure Strategy. The scale of the works encompassed by the Strategy is dependent on funding from various developers, plus Government contributions. A bid to the Government's Major Road Network investment programme is currently being pursued. There was no suggestion in this regard, that the works would not be carried out within a meaningful timescale. Moreover, both applications were supported by a suite of related technical evidence supplemented by a series of Technical Notes, the upshot of which was that initial objections by Highways England (now National Highways) and the local Highway Authority (Leicestershire County Council) fell away. In essence, subject to planning conditions and the relevant contributions etc, both bodies are content that neither scheme would result in residual highways harm. In the absence of any substantiated evidence to the contrary, I have no reason to come to a different view.
77. Accessibility: Whilst this was a concern for some, it is clear from the evidence before me that there would be plenty of opportunities to travel to and from the development by sustainable means. The site is readily accessible by bicycle, with a network of cycle routes to the north of the site, along with a significantly increasing population. There are opportunities for bus travel, with bus stops accessible via the footways on the B585, with bus service improvements, in particular to the Coalville to Leicester and the Ibstock to Coalville services, and other improvements such as new stops and diversions to serve the site, secured by the planning obligations. The site is also served by a network of public footpaths, which would be the subject of improvements secured by the

- planning obligations, as well as new footways along the site frontage on the B585, connecting the new Stanton Lane roundabout with the existing footways and bus stops.
78. Whilst the modal share forecast indicates that only some 22% of journeys to work would be by sustainable modes, both applications are accompanied to a Framework Travel Plan setting out the measures aimed at increasing opportunities over time. Measures include the appointment of a Travel Plan Co-ordinator, management and monitoring regimes, enablement of car sharing, electric vehicle charging, cycle parking, showers, and other specific initiatives. The measures also include a travel pack and a free six month bus pass for each employee. I am satisfied, therefore, that appropriate opportunities to promote sustainability transport modes have been taken up and that there would be no conflict with paragraph 110 of the Framework in this regard.
79. *Heritage Assets:* The existing farmstead includes a complex of traditional farm buildings arranged around a central courtyard dating back to the 18th and 19th centuries. It is understood that the farmhouse was demolished in the late 20th century and replaced with the current modern, brick-built bungalow of little intrinsic interest. However, the remainder of the courtyard plan and the early farmyard buildings survive as a relatively intact complex and are considered as a non-designated heritage asset. The appeal schemes involve the demolition of all the existing buildings to facilitate redevelopment of the site. There is also the potential for archaeology at the proposed farm site from the post-Medieval period, due to evidence of ridge and furrow on the site. Again, any interest in this regard relates to a non-designated asset.
80. Although both developments proposed would result in the total loss of heritage significance of the respective assets, there is no substantiated evidence before me to suggest that the assets are of any more than local importance. As such, these assets do not have high significance either in terms of scarcity or heritage value in a wider sense. The Framework makes it clear that the effect of proposals on the significance of non-designated heritage assets should be taken into account in determining the application, with a balanced judgement to be made. That balance is dealt with later in this Decision.
81. *Pollution:* Various comments referred to concerns in relation to implications of the employment element of the appeal schemes for air quality and noise and light pollution. All these aspects were the subject of extensive reports that accompanied the respective applications.
82. In relation to air quality, the appeals site is not situated within an Air Quality Management Area. In relation to both schemes, the technical assessments conclude that with appropriate mitigation measures, which can be secured by conditions were the appeals to succeed, the residual effects of dust and emissions from construction plant/vehicles upon the local area whilst adverse, would be temporary and would not be significant. For the operational phase, the air quality dispersion modelling demonstrates that potential impacts would be negligible, with all modelling locations below the respective annual mean objectives and targets.
83. The Noise Impact Assessments confirm that appropriate conditions to manage construction works in both schemes would sufficiently mitigate impacts at that stage. The Assessments also confirm that the magnitude of change in both the short and long term with regard to changes in road traffic noise that may occur

- as a result of the proposed developments would be negligible, with no adverse effects expected in this regard.
84. For both schemes, in terms of operational sound during the day, the predicted rating level from the proposed development would not exceed the background sound level at any of the modelled locations and therefore no adverse effects are expected. During the night, the predicted rating levels at most of the modelled locations would be below the background noise level, again indicating that no adverse effects would be expected. However, in relation to the Appeal A scheme, the rating level at Strawhall Farm is predicted as exceeding the typical background sound level by 6dB, and on Stanton Lane, close to the proposed site for the relocated farm, the predicted rating level is predicted as exceeding the sensitivity test background sound level by 4 dB, indicating the potential for adverse effects at those locations. However, the Assessment goes on to conclude that the predicted operational sound is unlikely to be intrusive in the context of the absolute levels of sound and existing sources of noise at those locations. On that basis, no adverse effects were considered likely and no additional mitigation was considered necessary, notwithstanding that there would be inherent mitigation in the form of the proposed bunding around the service yard of unit 2, and to a lesser extent unit 3.
85. In relation to the Appeal B scheme, the predicted night time rating level at Strawhall Farm would exceed the typical background noise level by just 1dB. That slight exceedance is unlikely to give rise to any adverse effects. The maximum night time noise levels from operational HGV activities for both schemes were also considered and are predicted to be considerably below the relevant threshold for adverse effects.
86. In relation to light pollution, the relevant technical reports confirm that subject to design principles to be applied to the external lighting, which would limit the spread of light beyond the areas to be illuminated, prevent glare and avoid emission of upward light, no significant effects on the modelled receptors are predicted.
87. No substantiated evidence was presented by objectors to undermine the conclusions of the Noise, Air Quality and Light Assessments. I am mindful, in this regard, that the Council's own environmental officers took no issue with the findings subject to conditions. In the absence of any evidence to the contrary, I have no reason to come to any different view from that set out in the technical reports and assessments.
88. Drainage: Various references were made to localised flooding and drainage problems. The sites lie within flood zone 1 and in flood risk terms there is no objection in principle to the location of the proposals. Both applications were accompanied by Flood Risk Assessment/Drainage Statements which set out that the surface water strategy is to collect the run off from impermeable areas into a drainage system that utilises sustainable drainage features and which restricts the discharge to the equivalent greenfield run-off rates, achieved through the use of attenuation ponds and flow control devices. On the evidence before me, I am satisfied therefore that the developments proposed would not increase the risks of flooding in the wider catchment, subject to conditions.
89. Quarry restoration: There was concern that the developments proposed could jeopardise future restoration of the adjacent quarry. Whilst no-one was able to

provide me with any approved restoration plans for the quarry, I was shown potential restoration plans.²⁸ Those scheme do not rely on any part of the appeal site for implementation, with neither of the appeal schemes having any impact on the ability to implement those restoration schemes.

90. *Wildlife*: Both appeals were accompanied by extensive ecology reports across both sites, confirming that the improved grassland, which comprises the majority of the existing habitat, is of low ecological value requiring no specific mitigation. Where there are habitats of higher ecological value, mitigation is proposed, including retention of boundary hedgerows, replacement planting including National Forest planting, provision of bat/bird boxes and areas of rough grassland to provide foraging habitat eg for badgers. Details of recommended mitigation are set out in the Lockhart Garratt Ecology Summary Report V4 and could be secured by condition were the appeals to succeed. I am satisfied that there would be no material harm in this regard. Moreover, as set out earlier, whilst there is no guarantees of any biodiversity net gain in relation the Appeal A scheme, it was a matter of agreement that the Appeal B scheme could achieve a net gain in this regard.

Overall Planning Balance

91. I have found that both appeal schemes would result in significant harm to the intrinsic value, beauty, open character and landscape character of the countryside. That brings them into conflict with policy DM4. That conflict also means that the schemes would not accord with other policies, including policy 21: National Forest and policy 22: Charnwood Forest of the Core Strategy, both of which are supportive of development where, among other things, it retains and respects local character and complements the landscape. I am of the view therefore, that the developments proposed would conflict with the development plan considered as a whole. There is no suggestion in this regard that DM4, or indeed any other of the policies deemed to be the most important in this case, are to be considered out of date.²⁹ Consequently, my decisions are to be made in accordance with the development plan unless material considerations indicate otherwise.
92. In relation to the larger Appeal A scheme, I consider the harm to the character and appearance of the countryside to be at the higher end of the scale of significant. To be added to that is the harm that would be a consequence of the total loss of significance of the non-designated heritage assets. The benefits outlined above whilst considerable are not, in my view, sufficient in this instance to outweigh the combination of those harms such as to merit a decision other than in accordance with the development plan.
93. The Appeal B scheme involves materially less built development than that the subject of Appeal A, with considerably more landscaping and bunding. Whilst the Council felt that the increased bunding was itself a harmful feature in this location, I have found it to be not unacceptable. Nevertheless, I consider the harm to the countryside would be significant, although towards the lower end of the scale. There is also the harm as a consequence of the loss of significance in relation to the non-designated heritage assets. Such harm is to be given considerable importance and weight. I consider that the harms identified mean that the scheme would not comply with the development plan

²⁸ Doc 11

²⁹ CD7.12 Policy Position Statement

as a whole. In the overall planning balance however, I consider that the package of benefits is of such substance, in particular the economic and employment benefits, that it outweighs the harm that I have identified in this case.

Conditions

94. I have considered the suggested conditions in relation to Appeal B in light of the related discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the attached schedule reflect that discussion. During the discussion it was agreed that a number of the suggested conditions could be combined, needed re-wording, duplicated others, were otiose or were unnecessary for various reasons. Other conditions were added. The conditions below reflect that discussion.
95. The conditions numbers referred to below reflect those in the attached schedule. Conditions 9-15 and 33-45 are necessarily worded as pre-commencement conditions, as this information, and related compliance with the agreed details, needs to be secured from the outset for the reasons set out below.

Conditions relating to the outline permission:

96. Conditions 1, 2 and 3 are required to comply with the requirements of Section 92 (as amended) of the Town and Country Planning Act 1990.
97. Although this is an outline application, it was accompanied by a considerable amount of supporting information which informed the landscape and visual appraisals. It is necessary, therefore, to ensure that the reserved matters applications are in broad accordance with the development parameters plan, the illustrative masterplan and the illustrative landscape strategy (4). Given the size of the scheme, it is necessary to secure of phasing for delivery of the development in order to ensure that the site is developed in a comprehensive manner, minimising disturbance and disruption in the locality (condition 5).
98. To provide certainty, it is necessary to identify the plans to which the decision relates, but only insofar as they relate to access, which is not reserved for subsequent approval (6).
99. Given the undulating nature of the site and the extent of the groundworks proposed, details of finished ground and floor levels are required in the interest of visual amenity (7). Details of any external plant etc are also required in the interest of visual amenity (8).
100. In order to minimise disruption during the construction process for local residents, local businesses and those travelling through the area, and to protect the environment, condition 9 secures a Construction Environment Management Plan, with condition 10 setting out hours during which work can take place on the site.
101. Given the potential for buried archaeology on the site, a programme of archaeological work is necessary to ensure that any heritage assets are properly recorded and dealt with (11).

102. In order to avoid pollution and to prevent increased risk from flooding, it is necessary to secure the recommendations set out in the Flood Risk Assessment Drainage Statement (Complete Design Partnership Ltd Ref:19-7688-FRA_Main dated 3/3/2020) together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended (12).
103. In the interests of protecting and improving biodiversity, condition 13 secures the submission of a biodiversity management plan. In the interests of both biodiversity and visual amenity, conditions 14 and 29 relate to tree retention and protection.
104. Condition 15, securing the provision of solar panels, is necessary to help mitigate the effects of the development and adapt to climate change, in accordance with Framework paragraph 152.
105. As referenced earlier, the evidence of the appellant is that securing a BREEAM rating of 'excellent' for the buildings should be considered as a benefit. To that end, conditions 16 and 25 are necessary to secure that standard of development in order to ensure that the benefit that I have taken into account in the planning balance is realised.
106. Given the significant amount of excavated material from the adjacent quarry across the site, it is necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment (17 and 18).
107. Conditions 19, 20, 21, 27 and 28 are required in the interest of vehicular and pedestrian safety. Conditions 22 and 23 are necessary in the combined interests of highway safety and in order to promote more sustainable travel choices in accordance with national and local planning policy and guidance.
108. Given the scale and nature of the development proposed and its intended 24 hour operation over seven days a week, it is necessary to ensure that noise levels are constrained to those which informed the supporting Noise Impact Assessment, and that any external lighting is controlled, in order to protect the living conditions of local residents and the amenity and ecology of the area generally (24 and 26).
109. The approved development includes an element of B2 General Industrial floorspace. A condition securing an odour management plan is necessary in this regard in order to protect the living conditions of local residents and the amenity of the area generally (30).

Conditions relating to the full planning permission:

110. In addition to the standard time limit on commencement of development (31) it is necessary to identify the plans to which the decision relates as this provides certainty (32).
111. In the interest of visual amenity, conditions relating to external materials, including the covered cattle handling area which is shown on plan but for which there are no elevations, hardsurfacing, boundary treatments, landscaping, tree protection and details of finished ground and floor levels are required (33, 34, 35, 36, 37 and 38).

112. In order to minimise disruption during the construction process for local residents, local businesses and those travelling through the area, and to protect the environment, condition 39 secures a Construction Environment Management Plan, with condition 40 setting out hours during which work can take place on the site.
113. It is necessary to ensure that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment (41 and 42).
114. In the interests of protecting and improving biodiversity, condition 43 secures the submission of a biodiversity management plan.
115. In light of the potential for buried archaeology on the site, a programme of archaeological work is necessary to ensure that any heritage assets are properly recorded and dealt with (44).
116. The existing farmstead is to be relocated closer to existing residential properties. Since it includes livestock rearing, a condition securing an odour management plan is necessary in order to protect the living conditions of local residents (45).
117. Conditions 46, 47 and 48 are required in the interest of highway safety.
118. The new dwellings proposed are justified in this instance, because of their integral relationship to the operation of the farmstead. It is necessary therefore, to ensure that they are not occupied until the replacement farm buildings and workshop are completed and ready for occupation, and that occupation of the dwellings is limited thereafter, in order to ensure that they are kept available to meet the identified agricultural need (49 and 51). The existing farmstead would be displaced by the employment element of the development proposed. To avoid unnecessary proliferation of buildings in the countryside, it is necessary to ensure that once the replacement farmstead is ready for occupation, the original farmstead is demolished (52).
119. In order to avoid pollution and to prevent increased risk from flooding, it is necessary to secure the recommendations set out in the Flood Risk Assessment Drainage Statement (Complete Design Partnership Ltd Ref:19-7688-FRA_FARM dated 23/06/2020) together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended (50).
120. Given the rural location and proximity of residential properties, it is necessary to control external lighting in order to protect the living conditions of local residents and the general amenity of the area (53).
121. The dwellings here are permitted as replacements for those to be demolished, which met an established functional need. It is necessary in this regard, to ensure that the replacements are of a size commensurate with that need given the countryside location. The proposal has been assessed on the basis of the size of the dwellings proposed. It is necessary, therefore, to remove permitted development rights to ensure that the dwellings are no bigger than required to meet that need, and to protect the character and appearance of the countryside within which they would be located (54 and 55).
122. Condition 56 secures retention of trees and hedges in the interest of both visual amenity and biodiversity.

Conclusions

123. For the reasons given above, I conclude that whilst **Appeal A** should not succeed, **Appeal B** should succeed and that planning permission be granted.
124. An objector at planning application stage made reference to Article 8 of the Human Rights Act 1998, drawing attention to the case of *Britton v SoS*,³⁰ where protection of the countryside was held to fall within the ambit of a person's right to respect for their private and family life. I have recognised that there would be harm to the countryside in this instance a consequence of both the developments proposed. I have found that the harm in terms of Appeal A would be significant and that the appeal should fail. As such, there would be no violation in this regard.
125. Whilst I have found that Appeal B should succeed notwithstanding that there would be significant harm to the countryside, that is on the basis that the harm is outweighed by other considerations. I am also mindful that not only would existing public rights of way across and around the appeals site be retained, but improvements to them are also secured through the planning obligation, with additional footpaths and links to be provided through the proposed community woodland, opening up a part of the site where currently there is no public access. Furthermore, around 10,000 new trees would be planted on the site, in exceedance of the National Forest strategy. All in all, I am content that any interference that might be caused as a consequence of the appeal scheme would be insufficient to give rise to a violation of rights under Article 8(2).

Jennifer A Vyse
INSPECTOR

³⁰ *Britton v SoS for the Environment* [1997] JPL 617



Department for Levelling Up,
Housing & Communities

Parkside Regeneration LLP
C/O Mr W Mulvany
Spawforths
Junction 41 Business Court
East Ardsley
Leeds
WF3 2AB

Our ref: APP/H4315/V/20/3253194
Your ref: P/2018/0048/OUP

11 November 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY PARKSIDE REGENERATION LLP
FORMER PARKSIDE COLLIERY EAST OF A49, WINWICK ROAD, NEWTON LE
WILLOWS WA12 8DB
APPLICATION REF: P/2018/0048/OUP**

1. I am directed by the Secretary of State to say that consideration has been given to the report of D M Young JP BSc (Hons) MA MRTPI MIHE & B J Sims BSc (Hons) CEng MICE MRTPI, who held a public local inquiry on 5-29 January 2021 into your client's application for planning permission reference P/2018/0048/OUP dated 16 January 2018 for:
 - The construction of up to 92,900m² of employment floorspace (use class B8 with ancillary B1 (a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 Junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works.
2. On 21 May 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.
3. The Inquiry was divided into two parts, the first considering evidence related to the Parkside Phase 1 development, and the second with the Parkside Link Road proposal. The Secretary of State's conclusion on the Parkside Link Road proposal are set out in a separate letter.

Inspector's recommendation and summary of the decision

4. The Inspectors recommended that planning permission be granted subject to conditions and planning obligations of the Section 106 Agreement.

Department for Levelling Up, Housing and Communities
Phil Barber, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 2853
Email: PCC@communities.gov.uk

5. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions and agrees with their recommendation. He has decided to grant planning permission. A copy of the Inspectors report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

6. In reaching this position, the Secretary of State has taken into account the Environmental Statement (ES) and addendum ES which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (IR.1.12). Having taken account of the Inspectors' comments at IR1.13, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

7. An updated Framework was published in July 2021, after the close of the Inquiry. The Secretary of State is satisfied that as the updated Framework has not changed as regards the main material considerations in this case, the update does not affect his decision and does not warrant a referral back to the parties. References to paragraph numbers in the NPPF used in this letter refer to the July 2021 Framework.
8. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the adopted St Helens Core Strategy 2012 (CS) and the St Helens Unitary Development Plan 1998 (the UDP) (Saved Policies). The Secretary of State considers that relevant development plan policies include those set out at IR5.14-5.26.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy Regulations 2010 ('the CIL regulations') and the other relevant documents set out at IR5.35.
12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

13. The emerging plan comprises the St Helens Borough Local Plan 2020-2035 Submission Draft 2019 (the eLP) (IR5.27-5.34).
14. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. For the reasons given at IR5.34 the Secretary of State considers that the policies in the eLP carry limited weight due to the eLP being the subject of a significant number of objections. However, the Secretary of State agrees with the Inspectors that the additional documents listed at IR5.35 are considered of particular relevance. In addition, he further agrees for the reasons given at IR5.34-5.42 & IR12.11, that the eLP's substantial body of up-to-date technical evidence documents, are highly relevant to the proposal and carry significant weight as a material consideration.

Main issues

15. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR12.1.

Policy

16. For the reasons given at IR12.2, the Secretary of State agrees with the Inspectors' conclusions on the most important and relevant development plan policies. Furthermore, he agrees for the reasons given at IR12.3 that Policies GB1 and GB2 of the St Helens UDP when read together are consistent with Green Belt policy in the Framework.
17. The Secretary of State agrees with the Inspectors for the reasons given at IR12.4-12.9 that there would be conflict with Policies CAS 3.2 and CSS1(viii), but for the reasons given these conflicts carries only minimal weight against the development (IR12.8 and IR12.9). He further agrees for the reasons given at IR12.10 that the development would comply with the other parts of Policy CSS1 which encourage the reuse of PDL in sustainable locations, and that Policy CE1 has little effect.
18. For the reasons set out at IR12.12 the Secretary of State agrees that the proposal would clearly accord with the aims of CE1 (criterion 4). For the reasons given at IR12.13, the Secretary of State agrees there would be some conflict with heritage UDP Policy ENV25, however, further agrees, that it is acknowledged to be inconsistent with the Framework and therefore carries limited weight accordingly.
19. Overall, the Secretary of State agrees with the Inspectors' reasoning at IR12.14 that accordingly, it is compliance with Policy GB1/GB2 that will prove determinative in this case.

Green Belt

Inappropriate Development

20. For the reasons given at IR12.15-12.16, the Secretary of State agrees with the Inspectors that the proposed development constitutes inappropriate development in the Green Belt giving rise to harm by definition, which carries substantial weight. He further agrees that very special circumstances will not exist unless the potential harm to the Green Belt by

reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations (IR12.17).

Openness

21. For the reasons given at IR12.18-12.23 the Secretary of State agrees that there would be harm to the openness of the Green Belt, but that the harm is reduced by the characteristics of the site, including its urbanised legacy. The Secretary of States also agrees that the harm to openness would be no more, and in all probability less, than that envisaged by Policy CAS 3.2 in contemplating the SFRI as inappropriate development (IR.12.21). He further agrees that the harm to openness would be significant but fairly localised in its extent and that structural landscaping would help to mitigate the impact such that the harm would reduce to moderate in the medium to long-term (IR12.23).

Green Belt Purposes

22. For the reasons given at IR12.24-12.25, the Secretary of State agrees that there is no conflict with Green Belt purpose a) (IR12.25). For the reasons given at IR12.26-12.27 he therefore considers that there is no conflict with purpose b).

23. The Secretary of State agrees for the reasons given at IR12.28, that in terms of Green Belt purpose c), the scheme would undeniably encroach into an area that is predominately open but given the reasons noted at IR12.29 agrees that the level of harm would be 'moderate'.

24. For the reasons given at IR12.30 he agrees that there would be no conflict with Green Belt purpose d). He similarly agrees, for the reasons given at IR12.31, that the application would not offend Green Belt purpose e).

Overall Impact on the Green Belt

25. For the reasons given at IR12.15-12.31 the Secretary of State agrees with the Inspectors at IR12.32 that there would be definitional harm to the Green Belt by virtue of the development being inappropriate. He further agrees that there would be moderate harm to the openness and Green Belt purpose c). Overall, he agrees that collectively, these harms must carry substantial weight in the overall Green Belt balance in accordance with paragraph 148 of the Framework (IR12.32).

26. As it is not disputed that the proposed development could not be accommodated on a preferable site in St Helens either within or outside the Green Belt (IR12.33), he agrees that it is therefore material that a loss of spatial and visual openness and associated landscape harm would be an inevitable consequence of any large B8/warehouse development in the Borough.

27. The Secretary of State also agrees for the reasons set out at IR12.34-12.35 that the adopted CS was willing to accept Green Belt harm in exchange for regeneration of the site. He further agrees at IR12.36 that the eLP proposes to remove the site from the Green Belt and allocate for employment purposes. However, in agreement with the Inspectors although the eLP policies carry limited weight at this time, the evidence base, including the GBR, are a significant consideration (IR12.36). The Secretary of State agrees that the Green Belt harms attract substantial weight (IR12.166).

Economic Considerations

Employment Need and Supply

28. The Secretary of State has had regard to IR12.128. However, overall, for the reasons given at IR12.37-12.42, 12.129 and IR12.170, the Secretary of State agrees with the Inspectors at IR12.43 that there is clearly a pressing commercial need for new logistics floorspace at a local, Liverpool City Region (LCR) and North West level and an evident need for development of the type proposed, and that the need for employment land has to be afforded very substantial weight (IR12.170).

Building a Strong Economy

29. For the reasons given at IR12.44-12.52, the Secretary of State agrees that the proposal would generate a substantial number of jobs which would represent a significant economic benefit (IR12.51). He further agrees with the Inspectors at IR12.51 that there would be further economic benefits from jobs generated during construction and during the increased economic output and household spending power across the local economy during the operation of the development. He agrees with the Inspectors' analysis of the additional economic benefits as detailed at IR12.130-12.132. For the reasons given at IR12.133 and IR12.171 the Secretary of State agrees that regeneration benefits would include bringing back a vacant, former industrial legacy site suffering from a history of antisocial behaviour back into active use, creating a significant number of jobs and economic benefits for the local community in the process. He further agrees that these benefits must carry additional weight given the proximity of the site to areas which suffer from high levels of economic deprivation (IR12.171). As such he agrees (IR12.171) that these regeneration benefits should attract substantial weight.

30. He further agrees for the reasons given at IR12.134 and IR12.172 that locationally the site boasts excellent accessibility, and agrees the locational benefits of the site carry significant weight in favour of the application (IR12.172).

Economic Considerations Overall

31. Overall, for the reasons given at IR12.53 the Secretary of State agrees that the proposed development would accord with the objectives of paragraphs 81 and 83 of the Framework by promoting and supporting a strong competitive economy, particularly with regard to the need for storage and distribution facilities.

Highways

32. The Secretary of State agrees with the Inspectors' analysis of transport evidence at IR12.54-12.70. For the reasons given at IR12.54-12.58 he agrees that the development would comply with paragraphs 8, 103 and 108(a) of the Framework (IR12.58). Overall, he agrees that the scheme would not give rise to any unacceptable highway impacts and thus would comply with paragraphs 110 and 111 of the Framework (IR12.70).

Environmental Considerations

Landscape and Visual Impact

33. For the reasons given at IR12.71-12.80 the Secretary of State agrees with the Inspectors' conclusions that overall, there would be moderate adverse but localised landscape and visual harm that would conflict with CS Policy CQL4 (IR12.80). The Secretary of State

agrees for the reasons given by the Inspectors that the landscape and visual harm carries only limited weight against the development in the planning balance (IR12.80).

Residential Amenity

34. Overall, for the reasons given at IR12.81-12.82, given the likely distance between the nearest houses and the units, the Secretary of State agrees with the Inspectors who do not consider the resulting outlook for these residents would be unacceptably poor. He further agrees that overall subject to mitigation there would be no significant adverse impact on the amenity of local residents.

Noise

35. For the reasons set out at IR12.83-12.86, the Secretary of State agrees with the Inspectors that significant adverse noise effects would be avoided, and any adverse effects would be mitigated and minimised in accordance with the Framework paragraph 185a) and CS Policy CP1 (IR.12.86).

Air Quality

36. For the reasons given at IR12.87-12.95, the Secretary of State agrees with the Inspectors that whilst there would be no significant air quality effects, there would be some minor impacts at a small number of locations, which the recommended conditions would help to mitigate (IR12.95).

37. Overall, notwithstanding the concerns expressed by local residents in respect of air quality matters, there is no clear evidence of conflict with CS Policy CP1 or Framework paragraph 186 with respect to air quality (IR12.95).

Ecology

38. The Secretary of State agrees, for the reasons given at IR12.96-12.103, that the effect of the development on ecology has been appropriately assessed (IR12.103). He further agrees that the mitigation would be sufficient to compensate for the loss of habitat caused by the development. He agrees that overall, there would be no conflict with paragraph 174 of the Framework or CS Policies CQL2 and CQL3 (IR12.103).

Climate Change

39. For the reasons given at IR12.104-108, the Secretary of State agrees with the Inspectors' conclusions on climate change.

Conclusion on other harms

40. The Secretary of State therefore agrees (IR12.167-12.168) that the harms by way of noise, landscape, air quality and residential amenity collectively attract limited weight.

Heritage

41. For the reasons given at IR12.109-12.117, the Secretary of State agrees that there would be some inevitable harm to the Registered Battlefield, but that the harm would be limited (IR12.117). For the reasons given at IR12.118-12.123 the Secretary of State agrees that the level of harm to the Newton Park Farmhouse and Barn would be limited. The Secretary of State agrees (IR12.127) that the heritage harm is 'less than substantial'

and is significantly below the threshold of what might be considered substantial. As such the harm will be assessed against any public benefits the scheme will bring as required by paragraph 202 of the Framework. For the reasons given at IR12.126-12.127 the Secretary of State that these harms should be afforded moderate weight.

42. The Secretary of State agrees for the reasons given at IR12.124 that there would be no harm to the setting of St Oswalds Church or St Oswalds Well. He further agrees with the Inspector's conclusions at IR12.125 on the Battlefield of Maserfield and the spoil tip on the site

Other Benefits

43. For the reasons given at IR12.31, IR12.33 and IR12.173 the Secretary of State agrees that the development cannot be accommodated on a non-green Belt site or a more preferable Green Belt site. For the reasons given at IR12.173 he thus further agrees that the lack of an alternative site carries significant weight.

44. The Secretary of State agrees, for the reasons given, with the Inspectors' analysis of biodiversity net gain at IR12.100-12.101 and 12.138. He further agrees, for the reasons set out at IR12.135-12.138, with the Inspectors' conclusions on pedestrian and right of way improvements, the introduction of formal public access over parts of the site, remediation of the site, flood alleviation works and bus stop improvements. He thus further agrees that collectively these benefits carry moderate weight in favour of the application (IR12.174).

Other Matters

Cumulative Effects

45. For the reasons given at IR12.154-12.158, the Secretary of State agrees with the Inspectors that the cumulative effects have been properly assessed as part of the application.

Public Consultation

46. For the reasons given at IR12.159-12.161, the Secretary of State agrees with the Inspectors that the level of consultation carried out by the Applicant was appropriate.

Cross-boundary Considerations

47. The Secretary of State has given careful consideration to the Inspectors' analysis at IR12.162-12.164 and agrees, for the reasons given, that cross-boundary issues do not arise and therefore the Parkside Phase 1 and Parkside Link Road schemes can be determined independently (IR12.164).

Conditions

48. The Secretary of State has given consideration to the Inspectors' analysis at IR12.145-12.153, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

49. Having had regard to the Inspectors' analysis at IR12.139-12.144, the planning obligation dated 25 January 2021, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspectors conclusion for the reasons given in IR12.144 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

50. For the reasons given above, the Secretary of State considers that the proposal complies with CS Policies GB1, GB2, CP1, CQL2 and CQL3 and notwithstanding the conflicts identified above, agrees with the Inspectors at IR12.175 that the development complies with the development plan taken as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

51. The Green Belt harms carry substantial weight. Also weighing against the proposal is the 'less than substantial' harm to heritage assets which carries moderate weight. In addition, localised landscape and visual harm, increased noise and disturbance to local residents and small reductions in air quality collectively carry limited weight.

52. Weighing in favour of the proposal are the supply of employment land, which carries very substantial weight. The regeneration benefits also carry further substantial weight and the locational benefits of the site carry significant weight. The lack of an alternative site carries significant weight. The biodiversity net-gains, pedestrian and right of way improvements, the introduction of formal public access over parts of the site, remediation of the site, flood alleviation works and bus stop improvements collectively carry moderate weight.

53. The Secretary of State has considered whether the identified 'less than substantial' harm to heritage assets is outweighed by the public benefits of the proposal. When the identified public benefits summarised in paragraph 52 above are considered against the identified 'less than substantial' harm it is readily demonstrated that these very significantly outweigh them in the heritage balance. Overall, the Secretary of State agrees with the Inspectors at IR12.127 and IR12.175 and considers that the balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal.

54. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the economic and other benefits of the proposal are collectively sufficient to clearly outweigh the harm to the Green Belt and such that very special circumstances exist to justify permitting the development. As such he finds no conflict with UDP Policies GB1 and GB2 or Green Belt policy in Section 13 of the Framework.

55. Overall, the Secretary of State considers that the material considerations in this case indicate a decision which is in line with the development plan – i.e. a grant of permission.

56. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

57. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspectors recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for:

- The construction of up to 92,900m² of employment floorspace (use class B8 with ancillary B1 (a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 Junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works.

In accordance with application reference P/2018/0048/OUP dated 16 January 2018.

58. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

60. A copy of this letter has been sent to St Helens Metropolitan Borough Council and Parkside Action Group, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Building Safety and Fire on behalf of the Secretary of State, and signed on his behalf



Department for Levelling Up,
Housing & Communities

Colin Graham
Miller Developments
colin.graham@millerdevelopments.co.uk

Our ref: APP/H4315/V/20/3265899
Your ref: P/2020/0061/HYBR

11 November 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY OMEGA ST HELENS LTD & TJ MORRIS LTD
LAND AT OMEGA ZONE 8, WEST OF OMEGA SOUTH AND SOUTH OF THE M62, ST
HELENS, MERSEYSIDE
APPLICATION REF: P/2020/0061/HYBR**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Mike Worden BA (Hons) DipTP MRTPI, who held a public local inquiry on 27-30 April 2021 and 5-6 May 2021, which closed in writing on 17 May 2021, into your client's application for planning permission for full planning permission for the erection of a B8 logistics warehouse with ancillary offices, associated car parking, infrastructure and landscaping; and outline planning permission for manufacturing B2 and logistics (B8) development with ancillary offices and associated access infrastructure works, in accordance with application Ref P/2020/0061/HYBR, dated 21 January 2020.
2. On 18 December 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to conditions and planning obligations of the Section 106 Agreement.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning

(Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR1.6, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal. For the reasons given at IR1.7 the Secretary of State agrees that an Appropriate Assessment is not required, and that the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) are met.

Matters arising since the close of the inquiry

6. An updated Framework was published in July 2021, after the close of the Inquiry. The Secretary of State is satisfied that as the updated Framework has not changed as regards the main material considerations in this case, the update does not affect his decision and does not warrant a referral back to the parties.
7. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of St Helens Core Strategy 2012 (CS), the St Helens Unitary Development Plan 1998 (the UDP) (Saved Policies), and the Bold Forest Park Area Action Plan (BFPAAP). The Secretary of State considers that relevant development plan policies include those set out at IR4.1-4.2.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy Regulations 2010 ('the CIL regulations') and the Warrington Local Plan Core Strategy (WLPCS) (IR4.4).
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

12. The emerging plan comprises the draft St Helens Borough Local Plan 2020-2035 Submission Draft 2019 (SHLP) (IR4.3).
13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the

Framework. For the reasons given at IR12.31 the Secretary of State considers that the relevant policies in the SHLP carry little weight given that the plan is still in examination. However, the Secretary of State agrees with the Inspector for the reasons given at IR12.21 & IR12.31, that the SHLP's up-to-date evidence base is highly relevant to the proposal and carries considerable weight as a material consideration.

Main issues

14. The Secretary of State agrees that the main issues are those set out by the Inspector at IR12.2.

Green Belt

15. The Secretary of State notes that the entire application site is located within the Green Belt. As such, the Secretary of State has given careful consideration to the Inspector's analysis at IR12.6-12.16.
16. For the reasons given at IR12.6-12.8, the Secretary of State agrees with the Inspector's analysis of Green Belt policy and concurs that Policy CSS1 of the CS and Policies GB1, GB2 and S1 of the UDP can be accorded significant weight in the determination of this application.
17. For the reasons given at IR12.9-12.10, the Secretary of State notes that it is not disputed that the proposed development constitutes inappropriate development in the Green Belt and would cause significant harm to the openness of the Green Belt. Furthermore, he agrees with the Inspector that the proposed buildings would have a significant adverse impact on the spatial and visual openness of the Green Belt and its effect would be permanent and generate significant activity (IR12.10).
18. For the reasons given at IR12.11 the Secretary of State agrees that there would be no conflict with the Green Belt purpose of preserving the setting of historic towns. He further agrees with the Inspector at IR12.12 that as the application site is of a significant size and would be primarily of built and developed form there would be conflict with the purpose of assisting in safeguarding the countryside from encroachment.
19. For the reasons given at IR12.13, the Secretary of State agrees that while there would still be significant separation between the towns, the proposal would compromise the degree of separation resulting in the built up area of Warrington being closer to the built-up area of Clock Face. As such, the Secretary of State agrees this would be harmful to the purpose of preventing neighbouring towns from merging.
20. The Secretary of State notes at IR12.14 that it is concluded by the Inspector that the proposal could not be accommodated on derelict or other urban land. He therefore agrees for the reasons given at IR12.14 that there is no conflict with the Green Belt purpose to assist in urban regeneration. The Secretary of State agrees for the reasons given at IR12.15 that he is unable to consider potential cumulative harm as a result of other proposals.
21. Overall, the Secretary of State agrees with the Inspector at IR12.16 that the proposed development is inappropriate development in the Green Belt, he further agrees that it would cause significant harm to openness and would conflict with some of the purposes of including land in the Green Belt. Overall, he considers that these harms must carry substantial weight against the application in the overall Green Belt balance in accordance with paragraph 148 of the Framework.

Building a strong, competitive economy

Employment Need and Supply

22. For the reasons given at IR12.20-12.22, the Secretary of State agrees that St Helens has an important role to play in the economic growth and regeneration of the Liverpool City Region (LCR) (IR12.22), and that relying on previously developed land alone will not deliver the wider regeneration which the CS itself seeks to secure for St Helens (IR12.21). For the reasons given at IR12.23-12.25 the Secretary of State agrees with the Inspector's findings that St Helens has fallen behind its immediate neighbours and other areas in the LCR and beyond in its employment opportunities and deprivation scores, and that a major shift to bring forward new attractive employment sites is needed to halt or reverse this position (IR12.37).
23. For the reasons given at IR12.26-12.29, the Secretary of State agrees that it is clear from the evidence that there is a shortage in the supply of readily available sites to meet the needs of major logistics operators in the North West (IR12.29). He further agrees with the Inspector's analysis of the employment evidence at IR12.30-12.33 and given this evident need for development of the type proposed, the Secretary of State considers the supply of employment land carries significant weight in the planning balance.

Socio-Economic Benefits

24. The Secretary of State has taken into account that the development is forecast to generate around 1,207 FTE jobs for the TJM scheme and around 2,679 FTE jobs for the outline development, that the TJM element can be delivered in the short term and that the proposal would contribute around £141.5M in GVA to the St Helens economy (IR12.34-35). He agrees with the Inspector that this is a significant number of jobs which would have a tangible benefit to the local economy and would provide an early opportunity to help address the deprivation issues highlighted (IR12.34).
25. For the reasons given at IR12.25, IR12.34-12.39, and IR12.76-77 and IR13.3, the Secretary of State agrees with the Inspector that the proposal would provide a critical boost to the St Helens economy and support the regeneration objectives of the Council as set out in the CS (IR12.76). He has taken into account the locational benefits of the site, and the fact that provisions in conditions and planning obligations can be used to secure opportunities for the most deprived communities in St Helens. He agrees that overall the socio-economic benefits delivered by the proposal attract very significant weight (IR13.3). He further agrees with the Inspector at IR12.76 that the construction jobs carry moderate weight.

Whether there is other harm

Character and appearance

26. For the reasons given at IR12.40-12.43 the Secretary of State concurs with the Inspector's conclusions at IR12.44 that the proposed development includes a substantial amount of additional landscaping on and off site, nevertheless the proposal is of a significant size, scale, height, form and extent. As such, agrees with the Inspector that it would cause significant harm to the landscape character of the area and would be contrary to Policies CQL4, CP1 (i) and CAS 5 2 (iii) of the CS and contrary to the AAP. Overall, the Secretary of State agrees that the proposed development would cause

significant harm to the landscape character of the area and carries significant weight against the application in the overall planning balance (IR13.1).

Heritage

27. For the reasons given at IR12.46, in respect of Old Bold Hall site, the Secretary of State agrees that the proposed buildings would be visible, and there would be harm notwithstanding the presence of additional landscaping. In line with paragraph 199 of the Framework he gives great weight to the preservation of this heritage asset.
28. For the reasons given at IR12.47, the Secretary of State agrees with the findings of the Inspector for the reasons given that in respect of the listed buildings of the Bold Hall Estate the proposal would cause further adverse harm to the setting as the height and the scale of the buildings will dominate the view.
29. The Secretary of State agrees for the reasons given at IR12.50-12.51 that there is no compelling evidence that there would be any material harm to the medieval deer park or to any other non designated heritage asset.
30. The Secretary of State agrees with the Inspector at IR12.48 that the proposal would be contrary to Policies CLQ4 of the CS, Policy ENV25 of the UDP and Policy ENV3 of the AAP. He further agrees that the harm to the listed buildings would be less than substantial. He agrees that in accordance with paragraph 202 of the Framework the harm will need to be weighed against the public benefits of the proposal (IR12.49). In line with policy and statute the Secretary of State considers that the heritage harm carries great weight against the development in the planning balance.

Ecology

31. The Secretary of State agrees with the Inspector that, for the reasons given at IR12.52-12.56, taking into account the on-site and off-site provision for mitigation and the scheme detail, that overall there would be no harm to ecology as a result of the proposal and that it would accord with policies CQL1, CQL2 and CQL3 of the CS and policies BFP ENV1 and BFP ENV2 of the AAP.

Air Quality

32. For the reasons set out at IR12.57-12.59, the Secretary of State agrees with the Inspector that subject to the inclusion of mitigation measures at IR12.58 the proposal accords with Policy CP1 (3i or 3ii) of the CS and with paragraph 186 of the Framework.

Noise and Vibration

33. For the reasons given at IR12.60-IR12.63, overall the Secretary of State agrees with the Inspector at IR12.63 that subject to conditions, the proposed development would not have a materially harmful effect on the living conditions of nearby residents or occupants of other sensitive receptors. He therefore agrees with the Inspector that the proposal would accord with Policy CP1 of the CS.

Agricultural Land

34. The Secretary of State notes at IR12.64 that the proposal would result in the loss of around 69.5ha of agricultural land of which 17.5ha of the site is classed as Grade 3a and above. Overall, the Secretary of State agrees that there would be no conflict with either

Policy CP1 of the CS or paragraph 174 of the Framework. He further agrees with the Inspector at IR12.65 that this would result in some minor harm given its scale in relation to the overall site which carries limited weight against the application in the overall planning balance (IR13.1).

Transport

35. The Secretary of State agrees with the Inspector's analysis of transport evidence at IR12.66-12.69. Overall, he agrees that the proposal is acceptable in transport terms and accords with Policy CP2 of the CS and paragraphs 110 and 111 of the Framework (IR12.69).

Climate Change

36. For the reasons given at IR12.70-12.72 the Secretary of State agrees with the Inspector's conclusions on climate change. He further agrees that the proposal accords with Policy CP1 of the CS (IR12.72).

Other matters

37. For the reasons given at IR12.73, the Secretary of State agrees that with the appropriate conditions imposed the proposal will minimise the potential for flood risk. Similarly, for the reasons given at IR12.74, he agrees that with the imposition of conditions the proposal will not have a harmful effect on the living conditions of the occupants of residential properties in the area.

38. The Secretary of State agrees for the reasons given at IR12.75 that the proposal would not have a harmful effect on the ability of the wider area to accommodate equestrian activities or any other recreation activities.

Planning conditions

39. The Secretary of State has given consideration to the Inspector's analysis at IR14.1-14.18, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

40. Having had regard to the Inspector's analysis at IR15.1-15.7, the planning obligation dated 17 May 2021, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR15.6 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

41. For the reasons given above, the Secretary of State considers that the application is in accordance with Policies CQL1, CQL2, CQL3, CP1, CP2 of the CS and policies BFP ENV1 and BFP ENV2 of the AAP of the development plan. Given his conclusions at paragraph 45 below he further considers that the proposal accords with Policies S1, GB1

and GB2 of the UDP. While the Secretary of State finds conflict with certain policies of the CS and AAP specifically Policies CQL4, CP1 (i) and CAS 5 2 (iii) of the CS and Policy ENV25 of the UDP and Policy ENV3 of the AAP in respect of landscape character and heritage, he has taken into account that there is compliance with the strategy and objectives of those plans, and concludes that the application is in line with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

42. Weighing in favour of the proposals are the supply of employment land which carries significant weight, the socioeconomic benefits which also attract very significant weight and the construction jobs which carry moderate weight.
43. Weighing against the proposals are the Green Belt harm which carries substantial weight, the harm to character and appearance which carries significant weight and the loss of agricultural land which carries limited weight. Also weighing against the proposal is the 'less than substantial' harm to heritage assets which carries great weight.
44. The Secretary of State has considered whether the identified 'less than substantial' harm to the heritage assets is outweighed by the public benefits of the proposal. He agrees with the Inspector at IR13.4a that they do, and considers that the balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal.
45. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. He considers that they are, and therefore very special circumstances exist to justify permitting the development. As such, the proposed development accords with Policies S1, GB1 and GB2 of the UDP, and national planning policy on Green Belt.
46. Overall, the Secretary of State considers that the material considerations in this case indicate a decision which is in line with the development plan – i.e. a grant of permission.
47. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

48. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for full planning permission for the erection of a B8 logistics warehouse with ancillary offices, associated car parking, infrastructure and landscaping; and outline planning permission for manufacturing B2 and logistics (B8) development with ancillary offices and associated access infrastructure works in accordance with application ref: P/2020/0061/HYBR, dated 21 January 2020.
49. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

50. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for

leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

51. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
52. A copy of this letter has been sent to St Helens Metropolitan Borough Council and the Bold and Clock Face Action Group, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Building Safety and Fire, and signed on his behalf

Contact details

Enquiries

Matt Golisti
0117 988 5331
matt.golisti@avisonyoung.com

Visit us online

[avisonyoung.com](https://www.avisonyoung.com)

Avison Young

St Catherine's Court, Berkeley Place, Bristol BS8 1BQ

Copyright © 2022. Avison Young. Information contained in this report was obtained from sources deemed reliable and, while thought to be correct, have not been verified. Avison Young does not guarantee the accuracy or completeness of the information presented, nor assumes any responsibility or liability for any errors or omissions therein. All opinions expressed and data provided herein are subject to change without notice. This report cannot be reproduced, in part or in full, in any format, without the prior written consent of Avison Young.