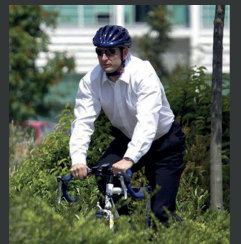




MERCIA PARK EXPANSION

Planning Statement

Turley
February 2025



Contents

1.	Introduction	1
2.	The Applicant	4
3.	Site and Surroundings	6
4.	Proposed Development	8
5.	Pre-application Engagement	13
6.	The Development Plan and Material Considerations	15
7.	Planning Assessment	19
8.	Planning Conditions and Obligations	36
9.	Planning Case	39
<hr/>		
Appendix 1	Parameters Plan for Outline Elements (ref. 18139-UMC-SI-XX-DR-A-0206)	
<hr/>		
Appendix 2	Detailed Infrastructure Plan (ref. 1818139-UMC-SI-ZZ-DR-A-0207)	
<hr/>		
Appendix 3	Illustrative Masterplan (ref. 18139-UMC-SI-ZZ-DR-0205)	
<hr/>		

Ben Williams ben.williams@turley.co.uk

Client

IM Properties Development Ltd

Our reference

IMPQ3040

February 2025

1. Introduction

Introduction

- 1.1 This Planning Statement has been prepared by Turley in support of a planning application for the expansion of Mercia Park ("The Site"). The Site lies within the administrative boundary of North West Leicestershire District Council ("NWLDC"). The application submission is made in hybrid form, with the elements for which Full and Outline planning permission is sought explained in **Section 4**.

- 1.2 The application is submitted on behalf of IM Properties Development Ltd ("the Applicant" / "IMP").

Mercia Park and opportunity for expansion

- 1.3 The Site provides an opportunity to capitalise on the success of Mercia Park to create a hub of strategic employment development at the A444 / M42 Junction 11. Mercia Park has been hugely successful in delivering a 3.5 million sqft logistics development which is home to Jaguar Land Rover's Global Logistics Centre (Unipart) alongside a flagship and national distribution facility for global transport and logistics company DSV. Scolmore Group, a local business which manufactures electrical accessories, has recently taken occupation of "Mercia 51" to serve its storage and distribution needs.
- 1.4 To ensure a positive long-term legacy, Mercia Park focused on delivering a high-quality environment for employees and local communities with extensive green infrastructure. In addition, a construction-phase Employment Scheme was agreed as part of the planning permission and delivered by IMP, including training programmes and support for apprenticeships, work experience and placements, focused on local communities.
- 1.5 An extensive social value programme has also been delivered by IMP in partnership with local stakeholders to make a positive impact on surrounding communities. This included the Mercia Park Community Fund, generating beneficial social value for the surrounding communities and supporting over 80 local projects, making a real difference in the local area (it should be noted that this fund was not an obligation of the Mercia Park planning permission ref. 18/01443/FULM).
- 1.6 As recognised within the Council's own Employment Topic Paper (February 2024), the Site (and wider North West Leicestershire District) sits within the 'core Golden Triangle' for strategic distribution comprising the broad area between Leicester, Rugby and Coventry where excellent road links (M42, M6, M1, M69) mean most major population centres are within a 4½ hour drive, highlighting its geo-economic importance.
- 1.7 The proposed development is for strategic employment which will build upon the success of Mercia Park. The suitability of this location is recognised by NWLDC's inclusion of the Site as a '*potential location for strategic distribution*' in the Regulation 18 consultation on the 'New Local Plan' (February 2024) (site reference: EMP82).

The proposed development

- 1.8 The description of development (“the Proposed Development”) is as follows:

“Hybrid planning permission for development of the site comprising:

Full planning permission for site wide infrastructure works including: new roundabout access from (and alterations to) the A444; new pedestrian crossing points over the A444; internal spine road; all earthworks and site level works including retaining features; creation of development plateaus (within Development Zones 1 and 2); structural landscaping (including boundary treatments and pedestrian / cycle paths); associated utilities and lighting infrastructure; foul and surface water drainage infrastructure.

Full planning permission within Development Zone 1 for the erection of Class B8 distribution unit and ancillary offices (E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure.

Outline planning permission within Development Zone 2 for the erection of employment unit(s) (Class B2, B8 and / or E.g.iii uses, with ancillary offices E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure”.

- 1.9 The proposals were initially developed with a specific named occupier for Development Zone 1 (DZ1); DSV, who are based at Mercia Park. However, following the public consultation events (held in June 2024), DSV announced an agreement to acquire DB Schenker which has led it to pause its decision on DZ1. IM Properties and DSV remain in negotiations and a decision is expected shortly. With strong market interest in this location and to avoid any further programme delays the Applicant has therefore submitted the application in ‘hybrid’ form. This includes full details for an institutionally acceptable B8 logistics building on DZ1 which aligns with DSV’s requirements as closely as possible, without any significant amends to the masterplan or principles for the overall site that were presented to the community through the programme of public consultation.

Engagement

- 1.10 The proposals have been informed by a comprehensive pre-application engagement process with North West Leicestershire District Council (“NWLDLC”) (“the Council”) as local planning authority. The proposals have been informed by feedback from Officers at pre-application meetings held between October 2023 and January 2025. These meetings were constructive and covered matters including the scope of the application, the principle of development, layout, massing, access, landscaping / ecology and design.

- 1.11 Details of the engagement with key stakeholders and the local community are provided in the Statement of Community Engagement accompanying the application.

Purpose and structure of the Statement

- 1.12 This Planning Statement describes the Site and Proposed Development and considers the degree to which the Proposed Development is compliant with the Development Plan and other material considerations, including the presumption in favour of sustainable development set out in the National Planning Policy Framework ('NPPF' / 'the Framework').
- 1.13 It also provides an initial outline of the need for, and scope of, planning conditions and potential planning obligations.
- 1.14 The Statement draws upon the findings of the Environmental Statement (see below) and technical assessments / reports supporting the application.
- 1.15 The remainder of this statement is structured as follows:

- **Section 2** provides a summary and background information on IM Properties Development Ltd.
- **Section 3** describes the Site and its surroundings.
- **Section 4** describes the proposed development.
- **Section 5** sets out the pre-application engagement which has been undertaken.
- **Section 6** sets out the planning policy context for the proposed development.
- **Section 7** provides an assessment of the planning and technical considerations.
- **Section 8** considers potential planning conditions and obligations.
- **Section 9** sets out the benefits of the proposals and the planning case.

Supporting information

- 1.16 The hybrid planning application comprises a comprehensive package of documents including plans, an Environmental Statement (ES) and technical assessments / reports. A full list of these is provided within the schedules attached to the application covering letter.
- 1.17 An Environmental Impact Assessment ("EIA") Scoping Report was submitted to the Council in March 2024. The Council's Scoping Opinion was issued on 12 July 2024. It confirmed that the proposals constitute EIA development and provided advice on the scope of the EIA, as explained in detail in the ES.

2. The Applicant

2.1 IM Properties Development Ltd (IMP) is one of the UK's largest privately owned property companies and has successfully delivered over thirteen million square feet of quality commercial space for high-profile occupiers across the UK. The Company adopted its "Sustainable Futures" framework in 2022 to provide clear commitments around the three themes of People, Place and Planet to deliver better value, build stronger working relationships and leave a beneficial legacy for local communities. IMP have an extensive track record of promoting and delivering development including close partnership working with stakeholders and local planning authorities.

2.2 The Company has a strong track record of delivering high-quality employment developments and is a significant investor in North West Leicestershire through the delivery of Mercia Park which is now completed. To date, Mercia Park has delivered:

- Around 3.5million sqft of logistics floorspace, home to Jaguar Land Rover's Global Logistics Centre (Unipart), the flagship and national distribution centre for global transport and logistics company DSV, and the Scolmore Group (local business which manufactures electrical accessories);
- More than 2,500 jobs;
- Around £150m of investment into the local area;
- High levels of build quality and sustainability standards;
- Extensive areas of accessible green infrastructure, including new habitats for biodiversity;
- A construction-phase Employment Scheme (as a planning obligation) including training programmes which benefitted over 100 individuals (including 38 local people who were unemployed) and support for apprenticeships, work experience and placements; and
- An extensive social value programme to deliver a positive impact on surrounding communities including the Mercia Park Community Fund which awarded grants to support over 80 community projects.

2.3 Mercia Park demonstrates IMP's commitment to high-quality development to meet the needs of future occupiers and their employees, with cutting edge buildings in attractive environments with benefits delivered to local communities beyond site boundaries.

2.4 IMP has a strong track record of delivering high-quality employment developments beyond Mercia Park. These include:

- **Peddimore, Birmingham** – IMP were selected as Birmingham City Council's development partner for Peddimore in 2018, comprising a best-in-class employment development (4.1m sqft) for national and international manufacturing and logistics businesses occupying a strategic position on the

edge of the city. Peddimore includes commitments to high quality design, placemaking, sustainability, accessibility and social value and delivery is now well advanced with Amazon taking occupation of a state-of-the-art fulfilment centre.

- **Birch Coppice Business Park, North Warwickshire (J10, M42)** – c.160ha strategic (rail connected) employment site. IMP worked in partnership with North Warwickshire Borough Council to transform Birch Coppice from a disused colliery, employing c.1,500 people when operational, into an award-winning business park which accommodates c.6,000 jobs. Birch Coppice was developed to high standards of building design, park infrastructure, landscaping, amenities and management.
- **The Hub, Witton, Birmingham** – relocation site for the Birmingham Wholesale Markets and a key employment site within the city.
- **Blythe Valley Park, Solihull (J4, M42)** – 116ha mixed use development, incorporating Blythe Valley Business Park (65,000sqm floorspace) and benefitting from planning permission for a mixed use residential-led (750 units) development.

- 2.5 IMP will apply its considerable experience of delivering similar key projects both nationally, and at Mercia Park, to deliver a proportionate expansion of strategic employment land at Junction 11 which maintains the high standards of development at Mercia Park. At the same time, IMP remains committed to realising its ambition to create quality and sustainable outcomes, ensuring that additional development continues to set the standard for UK industrial and logistics projects and delivers significant benefits to the local community and wider region.

3. Site and Surroundings

- 3.1 This section provides a description of the Site, its location and surroundings, as well as an overview of other relevant contextual information, including the site background and relevant planning history.

Site location and description

- 3.2 The application Site is located within North West Leicestershire, to the north of Junction 11 of the A/M42. It is approximately 14km south-west of Ashby-de-la-Zouch, 10km north-east of Tamworth and 19km south of Burton-upon-Trent.
- 3.3 The application site measures c. 29 hectares and comprises a wedge-shaped parcel of undeveloped, agricultural land which tapers to the south. It is separated into fields bounded by a network of hedgerows and trees.
- 3.4 The topography across the Site ranges from +78 AOD to the northern boundary up to +101 AOD at the southern boundary.
- 3.5 The Environment Agency's Flood Map for Planning (January 2025) shows the Site is located wholly within Flood Zone 1, which is land assessed as having a less than 1 in 1,000 annual probability of flooding (<0.1%). The Site is within the River Mease's Operational Catchment from Gilwiskaw Brook to Hooborough Brook.
- 3.6 There are no Listed Buildings or scheduled ancient monuments within the Site.
- 3.7 The Site includes an extent of the highway along the A444 to account for a new access roundabout and active travel crossings that will traverse the A444 (two in the north as part of the new A444 roundabout and one further south at the existing A444 lay-by, both connecting to Mercia Park).
- 3.8 There are no Public Rights of Ways (PRoW) within the site although public footpaths exist to the west and to the north-east. There are no sustrans or cycle routes located within or immediately adjacent to the Site.
- 3.9 The Site is bounded by hedgerows and fields to the north and north-east, the A/M42 to the south-east, Hilltop Cottage to the south, and the A444 to the west.

Site surroundings and accessibility

- 3.10 The Site is surrounded by:
- To the north of the Site is open countryside, St Michael's Church and several residential properties which sit along Rectory Lane. The River Mease (which is designated as a Special Area of Conservation (SAC) and site of special scientific interest (SSSI)) and the small hamlet of Acresford are located further north.
 - To the east / south-east lies the A/M42, beyond which lies agricultural land up to the Westman Industrial Estate, approximately 1.2km north-east of the Site, and the village of Measham.

- Further undeveloped land is found to the south, with the exception of the A/M42, a service station, Atherstone Road (A444), a hotel and isolated farm buildings and residential properties on the outskirts of Appleby Magna.
 - The A444 marks the western boundary of the site, beyond which lies agricultural land and Mercia Park to the south-west.
- 3.11 The Site is currently accessed from the A444 and benefits from excellent accessibility to the wider strategic road network. It is adjacent to Junction 11 of the A/M42. To the south, the M42 provides access to the M6, A5 and West Midlands conurbation. To the north, the M42 connects to the M1 near to East Midlands Airport.
- 3.12 The adjacent Mercia Park development is served by the No.20 bus service linking to Tamworth. Following a review of bus services in Q2 2023, a second bus service was commissioned and started in April 2023. This service (No. 19A) runs from Burton and Swadlincote.
- 3.13 The Site is approximately 1km to the north-west of the Appleby Magna Conservation Area. The Site is within 650m of listed buildings including Church of St Michael (grade II*), Park Farmhouse (grade II), the Old Rectory (grade II) and the associated Coach House and Stables (grade II).
- Planning history**
- 3.14 The application Site has no planning history. However, it is adjacent to Mercia Park.
- 3.15 Mercia Park comprises a strategic employment site comprising several units (totalling 3.5million sqft) which are in use for logistics (B8 use class). Hybrid planning permission was granted for Mercia Park in 2018 (planning application reference: 18/01443/FULM, as amended by 19/02017/VCUM), including the demolition of all existing buildings and structures and levelling and re-grading of the land. The construction of this scheme was completed in March 2023 and is now fully occupied (principally by Jaguar Land Rover and DSV).
- 3.16 Reserved matters approval was granted for the associated amenity plot in December 2024 (ref. 24/01215/REM). As such, all Reserved Matters for the site have now been submitted to and approved by NWLDC.

4. Proposed Development

- 4.1 This section describes the proposed development. It should be read in conjunction with the detailed development specification contained in Chapter 4 of the Environmental Statement (“ES”), as well as the application plans and the Design and Access Statement.

Application format and description of development

- 4.2 The Proposed Development includes two ‘Development Zones’ which will accommodate the employment buildings. The Applicant is seeking full planning permission for a high-quality storage and distribution (Class B8) warehouse within ‘Development Zone 1’ (DZ1). This will enable the Site to be delivered swiftly to respond to the significant demand for strategic employment floorspace in the area.
- 4.3 In terms of Development Zone 2, a sufficient degree of flexibility is required to accommodate future occupier needs. To secure this flexibility, all above ground-built form is sought in Outline with all matters reserved for future approval, subject to development “parameters” and a Design Guide.
- 4.4 The earthworks, site levels and development plateaus for Development Zone 1 and Development Zone 2 are also sought in Full, again to enable the Site to be delivered as quickly as possible.
- 4.5 Additionally, the areas that are collectively referred to as the ‘Strategic Landscaping and Infrastructure Zone’ (the areas outside of Development Zone 1 and Development Zone 2) are also sought in Full. This covers site wide infrastructure works including the access from (and alterations to) the A444, new pedestrian crossing points over the A444, the internal spine road serving the Development Zones, earthworks and site level works, the structural landscaping (including boundary treatments) along with the associated infrastructure including utilities, lighting, foul and surface water drainage.
- 4.6 Accordingly, the application is being made in hybrid form. The hybrid application has been structured in this way to allow the site infrastructure, enabling and landscaping works to be promptly implemented and delivered in the event of planning permission being granted by NWLDC for the Proposed Development. Further information on this is set out below.
- 4.7 The description of development for the Proposed Development is as follows:

“Hybrid planning permission for development of the site comprising:

Full planning permission for site wide infrastructure works including: new roundabout access from (and alterations to) the A444; new pedestrian crossing points over the A444; internal spine road; all earthworks and site level works including retaining features; creation of development plateaus (within Development Zones 1 and 2); structural landscaping (including boundary treatments and pedestrian / cycle paths); associated utilities and lighting infrastructure; foul and surface water drainage infrastructure.

Full planning permission within Development Zone 1 for the erection of Class B8 distribution unit and ancillary offices (E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure.

Outline planning permission within Development Zone 2 for the erection of employment unit(s) (Class B2, B8 and / or E.g.iii uses, with ancillary offices E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure”.

- 4.8 The proposed development will be capable of being operational 24-hours a day, 365 days a year. This is to provide flexibility and efficiency of the buildings within the Site and to maximise the opportunity for development-related traffic to avoid peak periods (where possible).

Application plans

- 4.9 A schedule of drawings accompanies the planning application submission (attached to the application covering letter). The ‘status’ column on this schedule confirms those plans submitted for approval and those submitted purely for information (or for illustrative purposes).
- 4.10 There are a series of key overarching “control” plans associated with the application. The Parameters Plan (for approval) (**Appendix 1**, ref. 18139-UMC-SI-XX-DR-A-0206) sets development parameters for how the three separate zones will come forward (Development Zone 1, Development Zone 2 and the Strategic Landscaping and Infrastructure Zone). The Detailed Infrastructure Plan (**Appendix 2**, ref. 18139-UMC-SI-ZZ-DR-A-0207) (for approval) provides more detail on the Strategic Landscaping and Infrastructure zone.
- 4.11 The Illustrative Masterplan (for illustrative purposes only) (**Appendix 3**, ref. 18139-UMC-SI-ZZ-DR-0205) demonstrates how the Proposed Development is likely to come forward as a whole.

- 4.12 There is a suite of detailed drawings (for approval) associated with Unit 300 within Development Zone 1, including site layout, floor plans, roof plans, elevations, external finishes, bin stores, cycle shelters and section plans, which are submitted for full approval. A suite of landscaping and engineering / infrastructure drawings provide more detail on the hard and soft landscaping proposed within the Site (excluding within Development Zone 2) and are also submitted for approval.
- 4.13 Indicative plans showing how Development Zone 2 could come forward are also provided in the Development Zone 2 Design Guide ('DZ2DG').

Full Elements

- 4.14 The applicant is committed to delivering the entire expansion of Mercia Park as soon as reasonably possible. The elements applied for in Full will allow IMP to commence development quickly following the grant of planning permission. These works forming part of the detailed component are (in summary) as follows:

Site Clearance Works

- 4.15 The site clearance works will include the removal of existing trees and hedgerows required to facilitate development.

Access from (and alterations to) the A444

- 4.16 The development will be served from the A444 via a new 3-arm roundabout. This is shown on drawing ref. 22219-02b within the Transport Assessment. The location of the access maximises the distance from the southern laybys and visibility whilst minimising the impact on tree and existing vegetation. This roundabout will also include a pedestrian / cycle connection between Mercia Park and the new expansion site, connecting the public footpath north of Mercia Park.

Crossing over the A444

- 4.17 A new pedestrian / cycle crossing (in the form of a central refuge) will be installed along the A444 to aid connectivity between Mercia Park and the expansion site so that future occupiers would be within a reasonable walking and cycling distance of the bus stop at Mercia Park, therefore benefitting from an established sustainable transport option. This will also include enhancements to the existing layby.

Key Strategic Infrastructure

- 4.18 The key strategic infrastructure outside of the 'development zones' is sought in Full. This includes the internal spine road, changes to the existing highway, mounding / bunds, structural landscaping, attenuation ponds, surface and foul water drainage infrastructure, boundary treatments, lighting infrastructure, substation and foul pumping station. These works are shown on drawing ref. 8139-UMC-SI-ZZ-DR-A-0207 (**Appendix 2**).
- 4.19 The whole of the northern field will be retained as part of the proposed landscape infrastructure that wraps around the Site. It retains trees to the north as well as the mature oaks to the west, adjacent to the A444 and the hedgerows that form this parcel

of land. The creation of woodland blocks, shelter belts, ponds and additional native scrub planting, all associated with gentle mounding, help to provide both screening but also valuable habitat creation and amenity space.

- 4.20 New amenity areas and walking routes will be created on the Site connecting into already established routes within Mercia Park and the wider area, enhancing permeability for employees and the local community.

Earthworks and development plateaus

- 4.21 The accompanying drawings (ref. IMP-HSP-23-XX-DR-C-1002 and 1003) show the extent of the earthwork volumes that are applied for in Full. In addition, a proposed finished levels plans (ref. IMP-HSP-23-XX-DR-C-1102 and 1103) have been prepared. These works are also applied for in Full and they overlap into the outline area (Development Zone 2).
- 4.22 Full permission is sought for the development plateaus in both Development Zones (with a small flexibility in range), shown on drawing ref. IMP-HSP-23-XX-DR-C-1300 and 1301. This will allow the enabling works to be delivered promptly across the whole site to enable each of the Development Zones to be prepared ready for swift development above-ground.

Development Zone 1 (Unit 300)

- 4.23 Development Zone 1 extends to 9.79 hectares. Full permission is sought for a single Class B8 distribution unit (with ancillary offices E.g.i). This is referred to as 'Unit 300' on the submitted plans. The amount of floorspace for which planning permission is sought is 56,791 sqm (GEA). The unit includes a warehouse at ground floor, a three-storey mezzanine and a two-storey office (office at first floor with a warehouse undercroft). The proposed finished floor level (FFL) is set at a range between 88.45m and 89.45m. The unit has a proposed building height of 22m external. The proposals have been worked up to provide a high-quality storage and distribution warehouse to enable the Site to be delivered swiftly to respond to the significant demand for strategic employment floorspace in the area.
- 4.24 The service yards and HGV parking are located to the west and east of the unit. An area for 424 car parking spaces is located to the south of the unit, adjacent to the ancillary office building. This area will also accommodate cycle and motorbike shelters, electric vehicle charging points and part of the internal access road. Entrance to the Site will be managed through a gatehouse to welcome visitors.
- 4.25 Plant and equipment are applied for in Full. Hard and soft landscaping and the retaining walls required within Development Zone 1 are shown on the submitted drawings and sought in Full.

Outline elements

- 4.26 The elements subject to the outline component of the hybrid planning application for the proposed development are as follows:

Class B2, B8 and / or E.g.iii unit(s) and ancillary offices (E.g.i)

- 4.27 The unit(s) and ancillary offices are applied for in Outline and will be located within Development Zone 2. The Parameters Plan submitted in support of the accompanying planning application sets out parameters for development within this zone. The developable area extends to 7.07 hectares. It would comprise Class B2, B8 and / or E.g.iii development use(s) (with ancillary offices (E.g.i). It sets a maximum floorspace of up to 41,095sqm (GEA) and a proposed unit height of up to 22 metres from finished floor level (FFL). The proposed FFL is set at a range between 81.80m and 82.80m. This provides flexibility to deliver both the single unit and two-unit schemes (or another configuration) (which could require different FFLs).
- 4.28 Outline planning permission is also sought for the following development associated with the erection of distribution unit(s) within Development Zone 2: service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure.
- 4.29 All below ground works within Development Zone 2 are sought in Full (see above). The proposals submitted in Outline relate to all above ground works within Development Zone 2.
- 4.30 Both the Parameter Plan for Outline Elements (ref. 0206) and the Detailed Infrastructure Plan (ref. 0207) (submitted for approval) include access corridors to enable future connection into Development Zone 2 (Outline) from the spine road (sought in Full). The spine road will be constructed as part of the infrastructure works but the final position and detailed design of these accesses is reserved until the final layout of DZ2 has been confirmed and approved at reserved matters stage. These plans include illustrative access crossings for indicative purposes only.
- 4.31 A Development Zone 2 Design Guide (DZ2DG) has been prepared and submitted with this application. The DZ2DG includes two illustrative site layouts for Development Zone 2 to indicate how development could come forward in accordance with the Parameter Plan (ref. 18139-UMC-SI-XX-DR-A-0206). This drawing is provided to show that there is the potential to accommodate different configurations of buildings in the form of a one unit or a two-unit scheme (of potentially different sizes) within the overall consented parameter envelope. It is proposed that subsequent applications for the approval of reserved matters in Development Zone 2 must be brought forward in accordance with the DZ2DG, and it is anticipated that a suitably worded condition would be attached by NWLDC to any grant of planning permission requiring this.

Development Programme

- 4.32 Construction works could start as early as 2026. The Proposed Scheme will be constructed in stages, with initial construction works focused on the delivery of the new A444 roundabout, below ground works (i.e. earthworks, development plateaus) across the whole Site and Development Zone 1, which are anticipated to be completed by 2028.

5. Pre-application Engagement

- 5.1 The National Planning Policy Framework (“NPPF”) recognises the importance of involving the community in planning decisions. It promotes early pre-application engagement and explains that applications that can demonstrate effective pre-application engagement should be favoured over those that do not.
- 5.2 The Council’s Statement of Community Involvement (“SCI”) sets out their expectations for community consultation as part of development plan-making and during the planning application process. This was adopted in 2019 and encourages applicants to undertake pre-application discussions.
- 5.3 A full Statement of Community Engagement (“SCE”) is submitted in support of the accompanying planning application, which details the extensive engagement which has been undertaken with the community and stakeholders prior to the submission of the accompanying planning application.

Pre-application discussions with NWLDC

- 5.4 The first formal pre-application meeting with planning and design officers was held in October 2023. Further pre-application meetings were held with NWLDC officers in December 2023, February 2024, March 2024, June 2024, August 2024 and January 2025.
- 5.5 The following key aspects were established / agreed in principle through discussions at these meetings:
- proposed uses and quantum of floorspace;
 - density of development;
 - position of the development zones and strategic landscaping areas; layout / orientation of the proposed Unit 300 within Development Zone 1;
 - maximum unit heights (22m external) and massing in both development zones;
 - the appearance of the elevations of the proposed units and office building;
 - vehicular access from the A444 into the Site and the general position of new roundabout;
 - the importance of the functional relationship between Mercia Park and the Mercia Park Expansion site, particularly in respect of pedestrian access between both sites;
 - the crossing points (central refuge crossing and enhancements to the layby, and the crossing point at the new roundabout);
 - targeting BNG 10% on site and the method / strategy for calculating biodiversity net gain;
 - the position of key viewpoints for the landscape and visual impact assessment; and
 - enhancement of soft landscaping on the most sensitive boundaries of the Site to help screen the proposals.
- 5.6 The approach taken by the applicant to engage with officers and other key consultees and stakeholders has been entirely consistent with the ‘frontloaded’ approach strongly advocated by the NPPF. The engagement undertaken has been thorough, constructive

and rewarding in terms of how the proposals have progressed and benefited significantly from a range of expert inputs to shape the proposals and the design.

Other stakeholders and engagement

- 5.7 The project team delivered a pre-application engagement programme which included engagement with officers at NWLDC, local political stakeholders and site neighbours. Various methods of engagement were undertaken to ensure all groups had the opportunity to view and comment on the proposals.
- 5.8 A full Statement of Community Engagement is submitted in support of this application, which details the extensive engagement which has been undertaken prior to the submission of this application.

6. The Development Plan and Material Considerations

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), this application is to be determined in accordance with relevant policies of the adopted development plan, unless material considerations indicate otherwise.
- 6.2 Presented below is a summary of the key planning policies from the Development Plan and other material considerations relevant to the development proposals.

The Development Plan

- 6.3 The Development Plan for this site comprises the North West Leicestershire District Local Plan 2011 – 2031 (“2021 Local Plan”).

North West Leicestershire Local Plan 2011-2031

- 6.4 The North West Leicestershire Local Plan was adopted in March 2021 following a partial review and sets out the strategic policies and vision for the district until 2031. The following adopted policies are considered key to the determination of this hybrid application.

Policy S1 Future housing and economic development needs

- 6.5 Policy S1 states that over the plan period provision will be made to meet the employment land needs of the District as identified within the Leicester and Leicestershire Housing and Economic Development Needs Assessment (January 2017) (“HEDNA”). This policy relates to Class B1, B2 and B8 (less than 9,000 sqm) employment provision. The policy does not make provision for strategic employment needs (over 9,000 sqm B2 and B8).
- 6.6 This policy included a requirement on the Council to submit a replacement Local Plan (‘New Local Plan’) for Examination by 21 November 2022 as the 2021 Local Plan had not taken into account unmet needs from neighbouring authorities. The New Local Plan has not yet been submitted for Examination. It is currently at Regulation 18 stage. We provide comments on this and the weight to be attributed to its draft policies below.

Policy S3 Countryside

- 6.7 The Site lies within the defined ‘Countryside’. Policy S3 states that land outside the ‘limits to development’ will be supported so long as the development accords with certain uses (a – s) and meets specific criteria.

Policy D1 Design of new development

- 6.8 Policy D1 states that the Council will support proposed developments that are well designed and (as a minimum) offer a good standard of design. A Design and Access Statement accompanies this submission and sets out the design principles of the

scheme, while the accompanying DZ2DG explains how these principles will be applied to Development Zone 2.

Policy Ec2 New employment sites

- 6.9 Policy Ec2 covers new employment sites. Part 2 covers employment development not allocated within the Local Plan and therefore applies to the application site. It states that, where evidence indicates an immediate need or demand for additional employment land (including Class B8) in the District that cannot be met from land allocated in the plan, the Council will favourably consider proposals that meet the identified need in appropriate locations. This is subject to the proposals: (a) being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes; (b) having good access to the strategic highway network and having an acceptable impact on the capacity of that network; and (c) not being detrimental to the amenities of any nearby residential properties or the wider environment.

Policy En1 Nature conservation

- 6.10 Part 2 of Policy En1 states that planning permission should be refused where a proposal for development would result in significant harm to Special Areas of Conservation.

Policy En2 River Mease Special Area of Conservation

- 6.11 Policy En2 covers development within the River Mease Special Area of Conservation (SAC). The Site lies within the area and so the application is accompanied by a report to inform the Habitats Regulations Assessment (Stage 1 and Stage 2) (for which NWLDC is the competent authority).

Other Material Considerations

Supplementary Planning Documents (SPDs)

- 6.12 The 'Good Design SPD' was adopted by the Council in April 2017. It details the Council's policies for good design which are based on a series of place-making principles.

National Planning Policy Framework

- 6.13 The NPPF (2024) is a material consideration in the determination of all planning applications. The NPPF applies to development proposals and delivery across a number of key themes, the following areas of which are considered of particular relevance to the development proposals:

- Building a strong, competitive economy (Chapter 6);
- Promoting healthy and safe communities (Chapter 8);
- Promoting sustainable transport (Chapter 9);
- Achieving well-designed places (Chapter 12);
- Meeting the challenge of climate change, flooding and coastal change (Chapter 14); and
- Conserving and enhancing the natural environment (Chapter 15).

- Conserving and enhancing the historic environment (Chapter 16).
- 6.14 Paragraph 86(c) of the NPPF states that planning policies should “*pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics” (our emphasis).*
- 6.15 The NPPF also states that planning policies and decisions should make provision for “*storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation*” (paragraph 87(b)).
- 6.16 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the NPPF provides that this heritage harm (which should be given considerable importance and weight) should be weighed against the public benefits of the proposal. The heritage assessment concludes that **paragraph 215** is engaged as, in combination with Mercia Park, there would be ‘less than substantial harm’ to the setting and significance of Park Farmhouse, albeit at the lowest end of the harm category.
- 6.17 Accordingly, NWLDC, when applying the heritage balance, should consider whether the public benefits of the proposed development outweigh the identified harm to the designated heritage asset. For the reasons set out in the Statement, it is plain that the heritage balancing exercise under paragraph 215 of the NPPF is clearly favourable to the proposed development having regard to the significant and demonstrable public benefits of the proposals.

National Planning Policy Guidance

- 6.18 The National Planning Policy Guidance (“PPG”) was launched on 6 March 2014 (and is updated from time to time) to replace previous planning practice guidance documents and inform a number of specific topic areas and to support the NPPF. The PPG guidance is considered throughout the application documents where appropriate and relevant.

North West Leicestershire New Local Plan (2026 – 2040)

- 6.19 NWLDC consulted on a Regulation 18 version of its New Local Plan in February and March 2024. The consultation comprised draft policies, proposed housing and employment allocations and a review of the limits to development.

Draft Policy S1 Future housing and economic development needs

- 6.20 Part 3 of the draft policy text deals with strategic employment. The draft policy does not identify an overall amount of development (land or floorspace) or a spatial distribution strategy for strategic employment. The Council plans to address this point at the Regulation 19 stage once the Leicester & Leicestershire Apportionment of Strategic Distribution Floorspace Study is available.
- 6.21 In respect of the overall amount of development for strategic employment, the Council has provisionally committed to taking 50% of the outstanding Leicester and

Leicestershire requirement for road-served strategic distribution floorspace. At this stage, this is understood to be a floorspace of circa 100,000sqm.

Policy Ec3 New Employment Allocations (Strategic Policy)

- 6.22 This policy relates to the new employment allocations which are proposed in the 'Proposed Housing and Employment Allocations' document (February 2024). The Mercia Park Expansion site, the subject of this planning application, (referred to as 'land north of J11 A/M42') is included as a "potential location for strategic distribution".
- 6.23 The Site is subject to a draft allocation policy within the Housing and Employment Allocations document. Part 1 of the policy states that the Site *"is identified as having potential for strategic distribution purposes"*. Part 2 of the policy notes that the allocation of the Site in the Regulation 19 plan will only be supported where there is a *"demonstrable need for further strategic distribution in North West Leicestershire"*. Part 3 of the policy comprises a list of detailed requirements with which development must accord. A response to each of these matters is set out in **Section 7** of this report to demonstrate that the proposals the subject of this planning application are fully in accordance with the requirements of the draft policy.

Policy Ec4 Employment Uses on Unidentified Sites (Strategic Policy)

- 6.24 Draft Policy Ec4 is the proposed successor to adopted Local Plan Policy Ec2.

Summary of New Local Plan

- 6.25 Due to the pre-submission status of the new Local Plan, applying paragraph 49 of the NPPF, it is considered that the draft emerging policies currently hold limited weight in relation to the determination of this planning application. However, it indicates a key direction of travel for NWLDC and importantly, proposes the application site as a potential location for development (site reference EMP82), in order to contribute towards the identified strategic employment needs for the district.

7. Planning Assessment

- 7.1 This section assesses the proposed development against the Development Plan and other material considerations.
- 7.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), this application is to be determined in accordance with relevant policies of the adopted development plan, unless material considerations indicate otherwise.
- 7.3 This section of this Planning Statement will demonstrate that the proposals are fully in accordance with the Development Plan as a whole.

Principle of Development

- 7.4 The proposed development will deliver a high-quality employment park, making a significant contribution to the sustainable growth of North West Leicestershire in line with the vision, **Objective 5** and **Policy S1** of the adopted North West Leicestershire Local Plan (2021). **Policy S1** relates to Class B1, B2 and B8 (less than 9,000 sqm) employment provision. There is no specific requirement set out in this policy for strategic employment land need (more than 9,000sqm).
- 7.5 The principle of employment development in this location, while not allocated (in the adopted plan), is considered (for the reasons set out below) to meet the criteria in Policies S3 and Ec2(2) of the Local Plan.

Policy S3 Countryside

- 7.6 The Site lies within the defined 'countryside'. **Policy S3** states that development outside of the 'limits to development' will be supported so long as the development accords with certain uses (a – s). Part S relates to employment land in the countryside and directs the decision-taker to **Policy Ec2**.

Ec2 New employment sites

- 7.7 Part 2 of **Policy Ec2** states that new proposals for employment development will be supported where evidence indicates an immediate need or demand for additional employment land (including B8) that cannot be met from land allocated in the Local Plan.
- 7.8 The accompanying planning application is supported by an 'Employment Land Statement' which has been prepared to address this policy in detail and to evidence the contribution that the Mercia Park Expansion proposals can make to meeting both:
- An **immediate demand** for large-scale units in the A/M42 corridor, which is evidenced with reference to trends in take-up and the scale of unmet occupier requirements; and
 - An **immediate market need** for additional land and speculatively developed floorspace in the A/M42 corridor, created by gaps in supply which cannot currently be satisfied through existing consented and allocated employment sites.

Immediate Demand for the Mercia Park Expansion site

- 7.9 The A/M42 corridor continues to be characterised by strong levels of demand from a range of occupiers seeking strategic-scale employment sites and units. Take-up of grade A 100,000sqft+ floorspace has averaged 1.42 million sqft per annum over the past 5 years, with now less than **9 months worth of supply** left to satisfy occupier requirements.
- 7.10 This trend is in stark contrast to increasing supply elsewhere in the East and West Midlands, where other market areas are seemingly better served. Notwithstanding this, the market for 400,000sqft+ units is reportedly undersupplied across all areas.
- 7.11 The take up of Unit 1 at Mercia Park by DSV in December 2024 means that there are now no 100,000sqft+ units available in this part of North West Leicestershire to meet demand. The absence of new development in the wider A/M42 corridor in the past few years also means that the supply of speculatively developed grade A units has been fully exhausted. As a result, at the time of writing, the market is faced with a choice of just four second-hand units, many of which are unlikely to suit modern and ESG focussed business requirements.
- 7.12 The limited choice of development land in the A/M42 corridor also acts as a constraint to new floorspace being developed speculatively to address the gap in the available supply in this strategically important sub-market area.
- 7.13 This evidence points to an **immediate demand**, but also in the context of imbalances between supply and demand, **an immediate market need** and requirement for additional strategic-scale employment land and floorspace in the A/M42 corridor to satisfy this demand.

Need for Strategic Employment Land

- 7.14 In terms of future needs, whilst a shortage of suitable and available development land over forecast need set out in the 2021 Strategic Distribution Study has previously been accepted by the Leicestershire authorities, including North West Leicestershire District Council, the scale of the identified need is likely to be in excess of that currently being planned for within the emerging New Local Plan. Whilst not agreeing or endorsing a specific figure in terms of a higher requirement at the current time, the evidence presented in the accompanying Employment Land Statement adds further weight to this conclusion.
- 7.15 The timing and scale of unmet strategic distribution need to be accommodated in the district is currently under review and will be addressed through the New Local Plan process. Importantly, the application site has already been identified as a potential proposed location for strategic distribution to meet future needs in the emerging local plan period.
- 7.16 However, the Site represents a sustainable and deliverable opportunity for addressing the immediate demand and gaps in supply in the A/M42 corridor that are in evidence now and in advance of a New Local Plan being adopted.

- 7.17 It follows that with progress of the New Local Plan now delayed, Policy Ec2(2) remains the mechanism through which to satisfy this unmet need at the current time and to address the under-supply of strategic employment land in evidence in this part of the district.
- 7.18 Additionally, due to the strength of the industrial market in North West Leicestershire, there is also a continuing and slightly higher need for non-strategic industrial land, with the Council's latest assessment identifying a requirement for c.146,000sqm of industrial floorspace, equivalent to c.36.5ha of land, over the 16-year period from 2024 to 2040 (The Need for Employment Land – Update Note (Rapleys) (2024)).
- 7.19 In combination, this evidence provides a clear demonstration that there is an **immediate unmet demand** and **immediate market need** that can be met through the proposed Mercia Park Expansion, such that the associated planning application should be '*considered favourably*' by the Council when applying Policy Ec2(2).

Alternative site assessment

- 7.20 The second part of Policy Ec2 requires applicants to demonstrate how any immediate need or demand "cannot be met from land allocated in this plan". This refers to the sites allocated for employment development in Policy Ec1.
- 7.21 Only site allocations Ec1a (Former Lounge disposal point, Ashby-de-la-Zouch) and allocation Ec1c (land at Sawley crossroads, Sawley) are capable of accommodating a single large unit of the size being proposed as part of the Mercia Park Expansion scheme. Accordingly, we have discounted all other allocated sites from this assessment.
- 7.22 Both of these sites are at least 7 miles, and – in the case of Sawley Crossroads – up to 18 miles, from Mercia Park. For this reason, they would fail to capitalise on Mercia Park's success and potential as an "*an expanding employment location*" (Employment Topic Paper, February 2024).
- 7.23 **Land at Sawley crossroads** is currently the subject of an undetermined planning application. If approved, it would contribute to the existing supply of land with planning permission in and around Castle Donington. This area operates as a distinct, strategic distribution location that benefits from its rail freight terminal and strategic location adjacent to East Midlands Airport, one of the UK's busiest cargo airports. The area therefore serves a different occupier market to the A/M42 corridor (which has stronger links with manufacturing hubs in Birmingham and the wider West Midlands).
- 7.24 Construction of the development plateau at **G-Park Ashby** is now complete although the vendor has yet to secure an occupier. Factors such as the lack of a signalised junction from Corkscrew Lane onto the A511, and the configuration of the site and units, potentially makes the site an unsuitable first choice for some occupiers. This would be particularly true for occupiers with specific corporate property requirements and standards that cannot be accommodated on G-Park Ashby.
- 7.25 Additionally, **G-Park Ashby** is being marketed as a "build-to-suit" development opportunity which means the site is also unable to address the gap in speculatively

developed units that the Mercia Park Expansion proposal is capable of addressing. This is also a demand that is not currently being catered for elsewhere in the A/M42 corridor due to supply having been fully exhausted.

- 7.26 Unlike the Mercia Park Expansion, the freehold purchase of the unit on **G-Park Ashby** is also not an option being offered, with it instead being marketed for lease once complete (IMP is willing to offer a freehold position on both 'Development Zones' within the Mercia Park Expansion site).
- 7.27 Finally, by virtue of the Class B8 only permission, **G-Park Ashby** is also unable to provide the flexibility to accommodate requirements from occupiers seeking build-to-suit premises in use classes other than Class B8. As part of these proposals, outline permission is sought on DZ2 for a flexible strategic B2 / B8 use, which would address a gap in the supply in this part of the district.
- 7.28 For these reasons, the proposed development cannot be accommodated on land allocated in the 2021 Local Plan.

Accessibility

- 7.29 Policy Ec2 sets out that the Council will consider favourably proposals subject to: (a) being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes; and (b) having good access to the strategic highway network and having an acceptable impact on the capacity of that network.
- 7.30 The proposals include new crossing points over the A444 between Mercia Park and the expansion site, allowing sustainable movements on foot (or by cycle), physically connecting both sites with a safe active travel route. This enables the promotion of sustainable transport (utilising the already well-used existing bus services on Mercia Park, with routes to Tamworth and Burton on Trent), as well as creating links between the existing walkways and amenity areas on Mercia Park to those proposed on the expansion site (to the benefit of local residents).
- 7.31 Mercia Park is currently served by the No. 19 and No. 20 bus routes which provide services to Burton, Swadlincote, Donisthorpe, Measham, Seckington and Tamworth. Both services are subsidised by the Mercia Park development and run to serve shift patterns. The patronage of these bus services is increasing, with latest figures showing that usage of the No. 20 route is up by 100% while usage of the No. 19 route is also on a steady upwards trajectory. The accompanying Transport Assessment confirms that the expansion site would be within a reasonable walking distance of the bus stops on Mercia Park and would therefore benefit from an established sustainable transport option and would also help to support patronage. The proposed central refuge over the A444 provides a safe active travel connection between Mercia Park and the expansion site.
- 7.32 Turning to criterion (b) the Site has excellent accessibility to the wider strategic road network. It is adjacent to Junction 11 of the A/M42. To the south, the M42 provides access to the M6, A5 and West Midlands conurbation. To the north, the M42 connects to the M1 near to East Midlands Airport.

Amenity

- 7.33 Criterion (c) of Policy Ec2(2) states that the Council will consider favourably proposals that are not being detrimental to the amenities of any nearby residential properties or the wider environment.
- 7.34 The Site has a single adjoining residential neighbour (Hilltop Cottage to the south). The accompanying Environmental Statement (Chapter 13) concludes that there will only be a single potential adverse effect in respect of noise and vibration on Hilltop Cottage when site preparation and landscaping works are undertaken at the 'closest' distance. This is expected to be for a very short duration only. The Construction Environmental Management Plan will be updated once a contractor is appointed to ensure these effects are mitigated as far as possible (and once the construction techniques are confirmed).

Accordance with Policy Ec2

- 7.35 We conclude that proposals are fully in accordance with Policy Ec2 of the adopted Local Plan. The evidence contained with the accompanying Employment Land Statement concluded there is clear evidence which demonstrates there is an **immediate unmet demand** and **immediate market need** for the proposals. It has also been demonstrated that the proposed development cannot be accommodated on land allocated in the 2021 Local Plan, and the supporting technical information robustly demonstrates that the proposals are acceptable from an accessibility and amenity perspective.

Policy S3 Countryside

- 7.36 The second part of Policy S3 states that land outside the 'limits to development' will be supported so long as the development meets certain criteria. The section below covering technical considerations demonstrates how the proposed development accords with these criteria.

Assessment of Key Technical Considerations

Design

- 7.37 **Policy D1** states that the Council will support proposed developments that are well designed and, as a minimum, offer a good standard of design. This is reinforced by the Council's **Good Design for North West Leicestershire SPD**. Non-residential development should, amongst other principles, have locally inspired identity and be of architectural quality. **Policy S3(iii)** requires that development does not create or exacerbate ribbon development and criterion (iv) requires that built development is well integrated within existing development and existing buildings.
- 7.38 The proposals have been subject to detailed discussions with planning and design officers at pre-application stage to ensure that the scheme brought forward is acceptable in terms of layout, massing and elevational treatment.
- 7.39 The Design and Access Statement (DAS) demonstrates that the proposed development will comprise an employment park of the highest quality in a landscaped setting.

- 7.40 The design of the proposed development is consistent with the design of Mercia Park in terms of heights, layout and elevational appearance, and will create a seamless expansion of Mercia Park in terms of layout, design / appearance and the physical active travel crossing points over the A444.
- 7.41 The Development Zone 2 Design Guide provides sufficient guidance to help formulate detailed proposals at the reserved matters stage for Development Zone 2 and will ensure that a high-quality employment scheme is delivered at this site.

Heritage

- 7.42 **Policy He1** in the 2021 Local Plan covers conservation and enhancement of the historic environment. Part 2 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm would be weighed against the public benefits of the proposal.
- 7.43 The accompanying Heritage Statement concludes that the proposed development would cause a small degree of harm to the setting and significance of **Park Farmhouse** (Grade II), which is considered to be '*less than substantial*' in NPPF terms. Within this less than substantial harm scale, the harm is **very low**. Accordingly, **paragraph 215** of the NPPF is engaged.
- 7.44 In accordance with local and national policy, a review of the considerable public benefits of the proposed development and the balancing of identified heritage harm with those public benefits as required by **paragraph 215** of the NPPF is undertaken in **Section 9** of this Planning Statement. It will be seen that the heritage balancing exercise under **paragraph 215** of the NPPF is clearly favourable to the proposed development having regard to the significant public benefits of the proposals.

River Mease Special Area of Conservation

- 7.45 Part 2 of **Policy En1** and **Policy En2** cover development within the River Mease Special Area of Conservation (SAC). The Site lies within this catchment area. Accordingly, a report to inform a Habitats Regulations Assessment (Stage 1 and Stage 2) has been produced and supports this planning application.
- 7.46 Following a review of the proposed development and consideration of the wider issues which affect the SAC, potential impact pathways were identified relating to surface and foul water drainage at both construction and operational phases. These pathways could not be screened out at Stage 1 of the Habitats Regulations Assessment. Therefore, an Appropriate Assessment (Stage 2) needs to be undertaken.
- 7.47 A 'shadow' Habitats Regulations Assessment Appropriate Assessment (Stage 2 report) has been prepared to assist the Competent Authority (North West Leicestershire District Council) in conducting its Habitats Regulations Assessment as per the requirement placed upon it by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Potential impacts on the River Mease SAC have been detailed and considered. It has been demonstrated that, with appropriate mitigation, the proposed development **will not result in a likely significant impact** upon qualifying habitats and species, supporting habitats upon which qualifying species rely, and **will not adversely affect the integrity of the River Mease SAC**.

- 7.48 Requirements regarding the necessary actions to deliver appropriate mitigation proportionate to the determined scope of impact include the submission of a robust Construction Environmental Management Plan (CEMP) (submitted separately in support of the planning application and for approval), the production of a monitoring and management plan for the proposed SuDS, and a requirement for reassessment if there is a material change to the proposals (with such mitigation measures proposed to be secured by suitably worded planning conditions). The Drainage Strategy prepared in support of the application is submitted for approval and demonstrates that the Proposed Development will not result in increased levels of pollutants entering the River Mease SAC.
- 7.49 Overall, the 'shadow' Habitats Regulations Assessment Appropriate Assessment (Stage 2 report) robustly demonstrates that the proposed development will not have an adverse impact, directly or indirectly, upon the integrity of the River Mease Special Area of Conservation and is therefore in accordance with **Policy En1** and **Policy En2**. The conclusions of the 'shadow' Habitats Regulations Assessment Appropriate Assessment (Stage 2 report) are also such that applying **paragraph 195** of the NPPF the 'presumption in favour of sustainable development' is not disengaged.

Landscape and visual impacts

- 7.50 **Policy S3** states that development will be supported where (i) the appearance and character of the landscape is safeguarded and enhanced and (ii) it is not undermining the physical and perceived separation and open undeveloped character between nearby settlements. **Policy En1(3)** also states that new development will be expected to maintain landscape features. The Site is not located within any recognised designated landscape.
- 7.51 The accompanying ES chapter on landscape acknowledges that the proposals will lead to likely significant adverse effects. These relate to the change in character (of open countryside to built form) and to existing open views across arable fields (being disrupted by built form).
- 7.52 Works during the construction stage will temporarily alter the landscape character and views from key visual receptors. Mitigation measures within the Construction Environmental Management Plan (CEMP) aim to minimise these effects.
- 7.53 During operation, landscape and visual impacts from the proposed development will include the built form, service yards, the new access off the A444 and improvement works, new access roads and new lighting within the Site. The proposals include significant mitigation measures to minimise any potential impacts. This includes:
- the location of the new access (to minimise the effect on existing vegetation);
 - the location of the Development Zones away from high value receptors, the restriction of building heights and footprints to the areas identified on the Parameters Plan;
 - lowering development plateaus through the earthworks 'cut and fill' exercise (whilst reusing topsoil to form new landscape areas and mounding to screen the built form); and

- the inclusion of the DZ2DG to provide guidance on the appearance of the proposals.

7.54 Other landscape measures include the retention of key landscape elements within the relevant character areas or introducing / replacing them within the proposed landscape infrastructure.

7.55 It is considered that, given the mitigation proposed and the limited viewpoints from which a significant adverse effect would be experienced, that the appearance and character of the landscape would be safeguarded (if not enhanced) (Policy S3.i), and therefore the proposals substantially accord with this policy as a whole.

7.56 It is considered that the proposals accord with Policy S3(ii) as there would be no material loss of separation between villages in the vicinity.

Agricultural land quality

7.57 Policy En6 of the 2021 Local Plan states that development should avoid any unacceptably adverse impact upon soils of high environmental value and ensure that soil resources are conserved and managed in a sustainable way.

7.58 An assessment of land and soils is provided in Chapter 6 of the ES, while a standalone report on soils and agricultural land quality is appended to the ES. The standalone report confirms that 59% of the Site constitutes Grade 2 land whilst the rest of the Site comprises subgrade 3b land.

7.59 The ES confirms there will be moderate adverse significant effect through the loss of agricultural land with potential for food production. There are no likely significant effects identified during operation. A detailed Soil Management Plan will be secured by a suitably worded condition. It will ensure that the final landscaping proposals make use of appropriate soil resources and that soil damage is avoided.

7.60 This disbenefit harm is weighed against the significant public benefits set out in **Section 9**.

Other relevant technical considerations

7.61 Other relevant technical considerations are summarised in Table 7.1 below.

Table 7.1: Other Technical Considerations

Technical Consideration	Applicant Response	Report Conclusions	Accordance with Development Plan and Other Material Considerations
Air Quality	An assessment of air quality is provided in Chapter 7 of the ES.	The Site is not located with an Air Quality Management Area. The assessment concludes that the proposed development will not cause any exceedances of the air quality objectives (either during the construction or operational phase) and that the air quality effect of the proposed development will be negligible. As such, there is no requirement for secondary mitigation.	Subject to appropriate mitigation, the proposals fully accord with Policy En6 (land and air quality), Policy Ec2 (amenity) and paragraph 199 of the NPPF.
Arboriculture	A Tree Survey and Arboricultural Impact Assessment is submitted in support of this application.	<p>The accompanying Arboricultural Impact Assessment confirms that there are no tree preservation orders on the Site, and the Site does not lie within a conservation area. Therefore, none of the trees within the Site are the subject of statutory protection. Moreover, there are no aged or veteran trees proposed for removal.</p> <p>The document confirms that the proposals will include the removal of 26 trees, 4 groups of trees and no woodlands. Of the removed trees, 32% are considered unsuitable for retention, 49% are considered to be low quality / value and 16% are considered to be moderate quality / value. Only 3% are considered to be of high quality / value. To mitigate this loss, the scheme proposes the planting of approximately 39,030 new trees / shrubs and 3,064 metres of hedgerow, which shall be a significant increase in green cover. It is considered that the proposed landscaping scheme will provide enhanced visual amenity to the locality and will mitigate the loss of trees as proposed.</p>	Subject to appropriate mitigation, the proposals fully accord with Policy En1 (which requires development to maintain existing ecological networks, hotspots and landscape features – such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses, and paragraph 136 of the NPPF.
Archaeology	<p>An assessment of archaeology is provided in Chapter 8 of the ES.</p> <p>An Archaeological Assessment is appended to the ES.</p>	<p>The archaeological assessment confirms the Site does not contain any designated heritage assets, such as World Heritage Sites, scheduled monuments, listed buildings, registered parks and gardens or registered battlefields, where there would be a presumption in favour of their physical preservation in situ.</p> <p>No significant effects were identified in the accompanying ES assessment. A minor adverse effect on below ground archaeological remains was found during construction.</p>	Subject to appropriate mitigation, the proposals fully accord with Policy En1 (conserves significance of archaeological remains) and paragraph 207 of the NPPF.
Biodiversity	<p>An assessment of biodiversity is provided in Chapter 9 of the ES.</p> <p>A suite of ecology surveys and reports accompany the planning application.</p>	<p>No significant effects were identified in the accompanying ES assessment. A minor adverse effect on below ground archaeological remains was found during construction.</p> <p>The Preliminary Ecological Appraisal sets out a series of recommendations. The first requires a report to inform a Habitats Regulations Assessment (referred to above). The second recommends further survey / assessment work (including badger survey; great crested newt Habitat Suitability Assessment and eDNA Survey; otter and water vole survey; breeding and wintering bird surveys; preliminary bat roost assessment; nocturnal emergence surveys; and bat activity survey).</p> <p>Another recommendation includes the Ecological Impact Assessment (EIA) and Management Plans/Strategies. It is concluded that a Construction Ecological Management Plan (CEcMP), Habitat and Ecological Management and Monitoring Plan (HEMMP) and sensitive operational lighting strategy should be developed (and are submitted for approval as part of the planning application). The submitted HEMMP (for approval) provides management prescriptions for areas of habitat to be retained, enhanced and created to achieve the targeted habitat conditions and biodiversity value detailed within the developments submitted Statutory Metric.</p> <p>The assessment confirmed that the proposals can achieve a net gain onsite of 10.26% for habitats, 24.60% for hedgerows and 23.91% for watercourses.</p>	Subject to appropriate he proposals fully accord with part (i) of Policy S3 , Policy En1 (enhance biodiversity) and paragraph 187 (provide net gains for biodiversity) of the NPPF.

Climate Change and Sustainability	<p>An assessment of climate change is provided in Chapter 10 of the ES.</p> <p>A Sustainability and Energy Statement (incl. BREEAM Assessments) has been submitted in support of this application.</p>	<p>The Sustainability and Energy Statement confirms that the proposed development will be designed to respond positively to relevant national and local plan policy incorporating measures to deliver social and economic benefits, while also protecting and enhancing the environment where possible. This includes the consideration of measures to mitigate and adapt to the effects of climate change.</p> <p>Subject to mitigation set out within the Environmental Management Plan (ES Vol 3), the ES confirms there are no significant effects in respect of climate change during the construction and operational stage.</p>	The proposals fully accord with part (5) of Policy D1 (regard to sustainable design and construction methods), Policy Cc1 (renewable energy) and paragraph 161 (support transition to low carbon future) of the NPPF.
Flood Risk	<p>A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted in support of the application.</p> <p>An assessment on flood risk and hydrology is provided as part of Chapter 11 of the ES.</p>	<p>The proposed development is classified as Less Vulnerable (commercial / employment uses). The submitted FRA confirms that the proposed development lies within an area categorised as Flood Zone 1 (an area with a low probability of flooding). Planning Policy Guidance considers Less Vulnerable uses within Flood Zone 1 as being appropriate. The Site is not considered to be at significant risk of flooding from the failure of reservoirs or infrastructure, fluvial flooding, pluvial flooding or sewer flooding.</p> <p>The proposed surface water flows are proposed to be restricted to greenfield rates. All surface water drainage emanating from the site will eventually be routed through the detention basins, to be located along the entire northern boundary of the development site. The proposed foul water flows are to be pumped into an adopted pumping station (owned by Severn Trent Water) on the western outskirts of Mercia Park which currently pumps foul water out of the River Mease catchment into the Tamworth Wastewater Treatment Works. Each curtilage within Mercia Park Expansion site will have its own foul water drainage strategy. Subject to mitigation set out within the Environmental Management Plan (ES Vol 3), the ES confirms there are no significant effects during the construction or operational stage.</p> <p>Finally, the NWLDC Strategic Flood Risk Assessment identifies the Site as ‘sequentially preferable’ for employment development (Figure 5-3 and 5-4 within the SFRA) (as a potential allocation for employment uses in the new local plan – EMP82). As such, and applying paragraph 7-027-20220825 of the PPG, the sequential test does not apply at the application stage.</p>	The proposals fully accord with Policy Cc2 and Cc3. , as well as paragraph 165 – 175 of the NPPF.
Ground Investigations	A Phase II Geo-Environmental Assessment has been submitted in support of this application.	The accompanying Phase II Geo-environmental Assessment demonstrates that the intrusive ground investigation concludes there are no likely constraints to development in respect of ground conditions and no mitigation works are required.	The proposals fully accord with Policy En6 (land and air quality) and paragraph 196 of the NPPF.
Lighting	An External Lighting Report and a Lighting Assessment have been submitted in support of this application.	<p>The External Lighting Report provides a detailed lighting design which will be sensitive and compliant with the principles set out within the ILP (Institute for Lighting Professionals) guidance note and other institutional guides for exterior lighting.</p> <p>The Lighting Assessment provides an assessment of the potential effects from obtrusive light that may arise from the artificial lighting associated with the construction and operation of the proposed development. Based on the expected lighting conditions and with embedded mitigation and best practice, no significant adverse impacts are anticipated. No further site-specific mitigation is therefore deemed necessary.</p>	The proposals fully accord with Policy D2 (external lighting schemes to be designed to minimise potential light pollution) and §198c of the NPPF.
Noise	An assessment of noise and vibration is provided in Chapter 13 of the ES.	The site has a single adjoining residential neighbour (Hilltop Cottage to the south). The accompanying Environmental Statement (Chapter 13) concludes that there will only be single potential effect in respect of noise and vibration on Hilltop Cottage when site preparation and landscaping works are undertaken at the ‘closest’ distance. This is expected to be for very short duration only. The Construction Environmental Management Plan will be updated once a contractor is appointed to ensure these effects are mitigated as far as possible (once the construction techniques are confirmed).	Subject to the mitigation set out in the submitted CEMP, the proposals fully accord with Policy D2 (do not generate noise which cannot be mitigated to an appropriate standard) Policy Ec2 (amenity) and paragraph 198a of the NPPF.

Transport	<p>A Transport Assessment and Framework Travel Plan have been submitted in support of the application.</p> <p>An assessment on transport and access is provided as part of Chapter 15 of the ES.</p>	<p>The Transport Assessment has reviewed the highways and transport implications of providing a new employment development on land to the east of the A444, adjacent to Mercia Park. The proposal to serve the Site via a 3-arm roundabout from the A444 along its western boundary is considered acceptable and in accordance with relevant policy. Strategic modelling demonstrates the impacts of the development are primarily focussed at the site access junction and M42 Junction 11. It confirms that the improvement proposals at the junction fully mitigate the additional traffic generation. The Site has been designed to accommodate access by sustainable modes with an internal pedestrian and cycleway provided along with a new crossing of the A444 connecting the Site with Mercia Park. Whilst the internal road will be designed to accommodate public transport it is intended future employees will access services via Mercia Park. The additional traffic would not have a material impact on the safety or operation of the local road network, and it can therefore clearly be concluded, applying paragraph 116 of the NPPF, that the residual cumulative impact of the proposed development on the road network will not be “severe” and, overall, there are no justifiable reasons for refusal on highway grounds.</p> <p>The traffic and access effects of the proposed development, during both construction and operational phases, have been assessed in Chapter 15 of the ES. Subject to mitigation set out within the Environmental Management Plan (ES Vol 3), the ES finds that there are no significant adverse residual transport effects.</p>	<p>Subject to the proposed mitigation, the proposals fully accord with Policy IF1 (new transport infrastructure), Policy IF4 (maximise sustainable modes of transport), Policy Ec2 (part 2a – accessible by a choice of means of transport; and part 2b – having good access to the strategic highway network and an acceptable impact on the capacity of that network); and in accordance with paragraph 115, 116, 117 and 118 of the NPPF.</p>
-----------	--	--	--

New Local Plan

Future development needs

- 7.62 Part 3 of draft Policy S1 deals with strategic employment. The draft policy does not identify an overall amount of development (land or floorspace) or a spatial distribution strategy for strategic employment. The Council plans to address this point at the Regulation 19 stage of the New Local Plan once the Leicester & Leicestershire Apportionment of Strategic Distribution Floorspace Study is available.
- 7.63 In respect of the overall amount of development for strategic employment, the Council has provisionally committed to taking 50% of the outstanding Leicester and Leicestershire requirement for road-served strategic distribution floorspace. At this stage, this is understood to be floorspace of circa 106,000sqm. This figure is likely to be higher where more recent trends and conventional approaches based on past take up are taken into account. The Proposed Development would effectively satisfy the requirement in the New Local Plan.
- 7.64 The Employment Topic Paper (February 2024), part of the evidence base of the New Local Plan, sets out the 'Areas of Opportunity' in terms of geography and trajectory, as recommended by the Strategic Distribution Study, and goes on to recommend that the southern end of the A/M42 in Area 5 (of the 'Areas of Opportunity') is the *"most likely area for a site allocation in North West Leicestershire"* given that the existing supply of land with planning permission is generally focused in and around Castle Donington. Accordingly, the topic paper went on to state that the Site the subject of this planning application (EMP82) *"would be the most appropriate site to allocate"*.
- 7.65 Accordingly, the Council proposed that the application site was included as a *'potential location for strategic distribution'* (employment) within the Regulation 18 consultation on the New Local Plan (in February 2024).

Proposed Allocation of Mercia Park Expansion site

- 7.66 The application site therefore is subject to a draft policy within the Housing and Employment Allocations document associated with the Regulation 18 consultation on the New Local Plan. Part 1 of the policy states that the Site *"is identified as having potential for strategic distribution purposes"*. Part 2 of the policy notes that the allocation of the Site in the Regulation 19 plan will only be supported where there is a *"demonstrable need for further strategic distribution in North West Leicestershire"*. The accompanying Employment Land Statement satisfies this requirement and demonstrates the existence of this need.
- 7.67 Part 3 of the policy comprises a list of requirements with which development must accord to be policy compliant. Minor amends to the draft policy were agreed at a meeting of NWL's Local Plans Committee in December 2024. Accordingly, the requirements below have been amended to update the wording which will be taken to Regulation 19 consultation (shown as tracked changes). A response to each requirement, in respect of these proposals, is set out in the table below.

<p>a) The provision of a safe and appropriate vehicular access to the local road network to the satisfaction of Highways England and Leicestershire Highways Authority.</p>
<p>The development will be served from the A444 via a new 3-arm roundabout providing a direct link to A/M42 J11. This is shown on drawing 22219-02b. The location of the access maximises the distance from the southern laybys and visibility whilst minimising the impact on tree and existing vegetation. A vehicle tracking exercise using the max legal articulated lorry has been undertaken of the site access roundabout and this is shown on drawing 22219-02b-1. The proposed vehicular access is considered safe and appropriate and in accordance with local plan policies and the Leicestershire Highways Design Guide.</p>
<p>b) The site being accessible via a range of sustainable transport options including improved bus services and effective walking and cycling connections.</p>
<p>Mercia Park is currently served by the No. 19 and No. 20 bus routes which provide services to Burton, Swadlincote, Donisthorpe, Measham, Seckington and Tamworth. Both services run to serve shift patterns on Mercia Park. The patronage of these bus services is increasing, with latest figures showing that usage of the No. 20 route is up by 100% (from around 40 per week to 90 per week) while usage of the No. 19 route is also on a steady upwards trajectory. The accompanying Transport Assessment confirms that the expansion site would be within a reasonable walking distance of the bus stops on Mercia Park and would therefore benefit from an established sustainable transport option. The proposed central refuge across the A444 provides a safe active travel connection between Mercia Park and the expansion site.</p>
<p>c) The provision of an appropriate landscaping scheme which (i) retains the existing hedgerows which have biodiversity value and also help to contain the site; and (ii) includes both extensive boundary treatments and also internal planting, to limit the impact of development on the wider landscape in particular in views from the north.</p>
<p>The proposed scheme has been developed with a 'landscape-led' approach mirroring the successful approach that was adopted for Mercia Park. A full/detailed landscape scheme has been formulated; Areas along the perimeter of the Site have been identified for additional landscape planting, while the layout of the proposals has been shaped to retain as many of the existing trees and hedgerows on site as possible.</p> <p>The whole of the northern field will be retained as part of the proposed landscape infrastructure that wraps around the Site. It retains the trees to the north as well as the mature oaks to the west, adjacent to the A444 and the hedgerows that form this parcel of land. The creation of woodland blocks, shelter belts, ponds and additional native scrub planting all associated with gentle mounding help to provide both screening but also valuable habitat creation and amenity space.</p> <p>The proposals will include the removal of 26 trees, 4 groups of trees and no woodlands. Of the removed trees, 32% are considered unsuitable for retention, 49% are considered to be low quality / value and 16% are considered to be moderate quality / value. Only 3% are considered to be of high quality / value. To mitigate this loss, the scheme proposes the planting of approximately 39,030 new trees / shrubs and 3064m of hedgerow, which shall</p>

<p>be a significant increase in green cover. It is considered that the proposed landscaping scheme will provide enhanced visual amenity to the locality and will mitigate the loss of trees as proposed.</p> <p>The proposals have been discussed with NWLDC officers during pre-application meetings with no major concerns identified. Wider landscape views are assessed within the accompanying Landscape and Visual Impact Assessment. The proposals have been developed with a similar density to the adjacent Mercia Park, which represents a successful landscape-led scheme.</p>
<p>d) The provision of evidence that assesses and addresses the impact of development on biodiversity and the achievement of biodiversity net gain in accordance with national requirements.</p>
<p>The Preliminary Ecological Appraisal submitted in support of the application sets out a series of recommendations. The first requires a report to inform a Habitats Regulations Assessment (referred to above). The second recommends further survey / assessment work (including badger survey; great crested newt Habitat Suitability Assessment and eDNA Survey; otter and water vole survey; breeding and wintering bird surveys; preliminary bat roost assessment; nocturnal emergence surveys; and bat activity survey).</p> <p>There will be biodiversity gains of at least +10.26% for habitat, +24.60% for hedgerow and +23.91% for watercourse, and the proposals will include the provision of biodiverse infrastructure planting.</p>
<p>e) Assessment of the impacts of development on heritage assets and measures to address any harm identified.</p>
<p>The accompanying Heritage Statement concludes that the proposed development would cause a small degree of harm to the setting and significance of Park Farmhouse (Grade II), which is considered to be '<i>less than substantial</i>' in NPPF terms. Within this less than substantial harm scale, the harm is very low. Accordingly, paragraph 215 of the NPPF is engaged.</p> <p>In accordance with local and national policy, a review of the considerable public benefits of the proposed development and the balancing of identified heritage harm with those public benefits as required by paragraph 215 of the NPPF is undertaken in Section 9 of this Planning Statement. It will be seen that the heritage balancing exercise under paragraph 215 of the NPPF is clearly favourable to the proposed development having regard to the significant public benefits of the proposals.</p>
<p>f) The provision of a Flood Risk Assessment.</p>
<p>Notwithstanding that the Council will delete this requirement at Regulation 19 stage, the application is supported by a Flood Risk Assessment. The proposed development is classified as Less Vulnerable (commercial / employment uses). The submitted FRA confirms that the proposed development lies within an area categorised as Flood Zone 1 (an area with a low probability of flooding). Planning Policy Guidance considers Less Vulnerable uses within Flood Zone 1 as being appropriate. The Site is not considered to be at significant risk of</p>

flooding from the failure of reservoirs or infrastructure, fluvial flooding, pluvial flooding or sewer flooding.
<p>g) Provision for the discharge of wastewater into the River Mease catchment in accordance with the provisions of draft Policy En2 (River Mease Special Area of Conservation).</p>
<p>Notwithstanding that the Council will delete this requirement at Regulation 19 stage, the 'shadow' Habitats Regulations Assessment Appropriate Assessment (Stage 2 report) robustly demonstrates that the proposed development will not have an adverse impact, directly or indirectly, upon the integrity of the River Mease Special Area of Conservation and is therefore in accordance with Policy En1 and Policy En2. The conclusions of the 'shadow' Habitats Regulations Assessment Appropriate Assessment (Stage 2 report) are also such that applying paragraph 195 of the NPPF the 'presumption in favour of sustainable development' is not disengaged.</p>
<p>h) A surface water drainage strategy which focuses on SUDS and demonstrates how pollutants and sediments from the proposed development will be prevented from reaching the River Mease. This should include a Construction Environment Management Plan (CEMP).</p>
<p>The proposed development is classified as Less Vulnerable (commercial / employment uses). The submitted FRA confirms that the proposed development lies within an area categorised as Flood Zone 1 (an area with a low probability of flooding). Planning Policy Guidance considers Less Vulnerable uses within Flood Zone 1 as being appropriate. The Site is not considered to be at significant risk of flooding from the failure of reservoirs or infrastructure, fluvial flooding, pluvial flooding or sewer flooding.</p> <p>The proposed surface water flows are proposed to be restricted to greenfield rates. All surface water drainage emanating from the site will eventually be routed through the detention basins, to be located along the entire northern boundary of the development site. The proposed foul water flows are to be pumped into an adopted pumping station (owned by Severn Trent Water) on the western outskirts of Mercia Park which currently pumps foul water out of the River Mease catchment into the Tamworth Wastewater Treatment Works. Each curtilage within Mercia Park Expansion site will have its own foul water drainage strategy. Subject to mitigation set out within the Environmental Management Plan (ES Vol 3), the ES confirms there are no significant effects during the construction or operational stage.</p> <p>Finally, the NWLDC Strategic Flood Risk Assessment identifies the Site as 'sequentially preferable' for employment development (Figure 5-3 and 5-4 within the SFRA) (as a potential allocation for employment uses in the new local plan – EMP82). As such, and applying paragraph 7-027-20220825 of the PPG, the sequential test does not apply at the application stage.</p> <p>A CEMP has been submitted as part of the application (for approval) and sets out the responsibilities with regards to compliance with legislation and to implement any mitigation measures. The plan details the management measures to minimise environmental impact from the construction phase of the development.</p>

<p>i) A satisfactory design and layout. An overall design approach which addresses the visual and landscape impact of large-scale buildings in this location through a comprehensive set of measures.</p>
<p>The proposals have been subject to detailed discussions with planning and design officers at pre-application stage to ensure that the scheme brought forward is acceptable in terms of layout, massing and elevational treatment.</p> <p>The Design and Access Statement (DAS) demonstrates that the proposed development will comprise an employment park of the highest quality in a landscaped setting.</p> <p>The design of the proposed development is consistent with the design of Mercia Park in terms of heights, layout and elevational appearance, and will create a seamless expansion of Mercia Park in terms of layout, design / appearance and the physical active travel crossing points over the A444.</p> <p>The Development Zone 2 Design Guide provides sufficient guidance to help formulate detailed proposals at the reserved matters stage for Development Zone 2 and will ensure that a high-quality employment scheme is delivered at this site.</p>
<p>j) Demonstration of the functional connection between this site and Mercia Park e.g. shared facilities, sustainable transport links etc.</p>
<p>The Mercia Park Expansion proposals include new crossing points over the A444 between Mercia Park and the expansion site, allowing sustainable movements on foot (or by cycle), physically connecting both sites with a safe active travel route, thereby promoting sustainable transport (utilising the already well-used existing bus services on Mercia Park, with routes to Tamworth and Burton on Trent), as well as creating links between the existing walkways and amenity areas on Mercia Park to those proposed on the expansion site (to the benefit of local residents). The buildings will also be orientated to enable convenient employee access to building entrances to and from Mercia Park on foot / cycle.</p>
<p>x) Full assessment of the transport impacts of the development and the identification and delivery of mitigation measures in response to include, as necessary, travel plans and freight and logistics plans inclusive of routeing agreements.</p>
<p>The submitted Transport Assessment provides a full assessment of the transport impacts and mitigation measures required (including the submission of a framework travel plan). Routing agreements will be subject to a suitably worded planning condition and agreed in due course.</p>

Summary

- 7.68 It is clear from the above that the proposals the subject of this planning application are fully in accordance with all the requirements within the draft policy.
- 7.69 Due to the pre-submission status of the new Local Plan, applying paragraph 49 of the NPPF, it holds limited weight in relation to the determination of this planning

application. However, it provides an important direction of travel in relation to the need for strategic employment land and preferred locations for growth; importantly, having assessed alternative options the application site has been identified by the Council as a potential location for strategic development (site reference EMP82), in order to contribute towards the identified strategic employment needs for the district.

- 7.70 With the application being in accordance with the adopted Local Plan, the draft allocation only adds additional weight to the case for granting planning permission for the Mercia Park Expansion.

8. Planning Conditions and Obligations

- 8.1 Upon the grant of any planning permission for the proposed development, it will be necessary for suitably worded planning conditions and obligations to be imposed to ensure it is acceptable in planning terms. Planning (and highway / transport) obligations will be delivered through appropriate legal agreements.
- 8.2 This section provides an overview of potential conditions and obligations which will need to be discussed and agreed with the Council and other stakeholders in further detail during the application determination period.
- 8.3 The Environmental Statement provides a composite schedule of mitigation required to manage environmental effects during the construction and operational phases of the proposed development. It will be necessary for specific mitigation measures to be secured through planning conditions and obligations, with appropriate mechanisms for monitoring and / or review, as necessary.
- 8.4 The below provides an initial outline of potential conditions and obligations which will need to be reviewed and agreed with the Council.

Planning conditions

- 8.5 **Paragraph 57** of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are: (i) necessary; (ii) relevant to planning and to the development to be permitted; (iii) enforceable; (iv) precise; and (v) reasonable in other respects.
- 8.6 Given the format of the planning permission, namely hybrid with both full and outline elements, it is suggested that conditions are grouped and structured to address the detailed and outline components. This is critical to allow the site enabling and infrastructure works, and works within Development Zone 1, to commence as soon as possible following the grant of permission.
- 8.7 Different types of condition are likely to be required including “Compliance” (in accordance with submitted details e.g. detailed plans / strategies), “pre-occupation” and “pre-commencement” style conditions (requiring submission and approval of further details prior to occupation of buildings or commencement of the development).
- 8.8 However, the aspiration, pursuant to paragraph 57 of the NPPF, is to minimise pre-commencement conditions as far as possible with the use of compliance conditions, especially for the elements of the scheme for which Full planning permission is sought, in order to reduce the burden on the administrative process and avoid the need for unnecessary further approvals.
- 8.9 Above ground works within Development Zone 2 are applied for in Outline but the site wide earthworks and development plateaus across the whole site are applied for in Full. These works overlap with the full and outline areas. It will therefore be necessary to ensure that conditions are structured to allow the works to be implemented prior to

the approval of reserved matters and discharge of conditions within Development Zone 2.

8.10 We anticipate that the following (amongst other matters) will be the subject of suitably worded planning conditions to secure mitigation set out within submission documents (should NWLDC approve planning permission):

- Compliance condition to list approved plans (plans submitted for approval listed in the appendices of the submitted covering letter);
- Compliance condition to approve the submitted Construction Environmental Management Plan (as a framework, to be updated as the scheme progresses);
- Compliance condition to secure how development will come forward within Development Zone 2 (set out within the submitted DZ2DG);
- Compliance condition to secure the submitted 20 Year Landscape Management Plan;
- Condition to secure an Operational Waste Management Strategy;
- Compliance condition to secure the outline Habitat and Ecological Management Plan;
- Conditions to secure the drainage scheme associated with the Strategic Landscape and Infrastructure Zone and pre-commencement conditions to agree details drainage scheme for Development Zone 1 in general accordance with submitted Drainage Strategy; and
- Condition to require submission of a Whole Life Carbon Assessment prior to construction.

8.11 Further details regarding mitigation measures are set out within the Environmental Management Plan (Volume 3 of the Environmental Statement).

Potential planning obligations

8.12 **Paragraph 58** of the NPPF states that planning obligations should only be sought where they meet all of the following tests: (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.

8.13 The tests are also set out in section Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“CIL Regulations”) as amended. Planning obligations are also covered by **Policy IF1** of the 2021 Local Plan.

8.14 It is anticipated that the scope of planning and transport obligations will include the Framework Travel Plan, the construction-phase Employment Scheme and the proposed improvements to the A444 carriageway. Any contribution towards highway improvements will be dealt with separately through a Section 278 Agreement with Leicestershire County Council as the local highway authority.

- 8.15 The applicant would welcome further discussions with the Council during the determination period regarding the principle and detail of the proposed set of conditions and planning obligations to be applied to the grant of planning permission to ensure that the delivery of development is not delayed.

9. Planning Case

- 9.1 Pursuant to Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the accompanying hybrid planning application should be determined in accordance with the Development Plan, unless material consideration indicate otherwise.
- 9.2 Moreover, the local planning authority has a statutory duty under section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the special interest and setting of listed buildings or any features of architectural or historic interest which it possesses.
- 9.3 As set out in **Section 7** of this statement, the proposed development is in accordance with the key planning policies within the 2021 Local Plan, particularly in respect of the principle of development (**Policy S3** and **Policy Ec2**). Moreover, the proposals are in accordance with the majority of the development management policies in respect of technical considerations.
- 9.4 The Proposed Development will lead to the loss of Grade 2 agricultural land (60% of the site) which is given moderate weight.
- 9.5 The Proposed Development will also lead to likely significant effects on landscape relating to the change in character (of open countryside to built form) and to existing open views across arable fields (being disrupted by built form). The proposals include extensive mitigation measures for both the construction and operation stage and have been designed to minimise impacts upon the landscape as far as possible. It is concluded that, given the mitigation proposed and the limited viewpoints from which a significant effect would be experienced, the appearance and character of the landscape would be safeguarded, if not enhanced, substantially in accordance with Policy S3(i) as a whole.
- 9.6 Local Plan **Policy He1** and **paragraph 215** of the NPPF both require that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.7 The NPPF is clear that a balanced judgement will be required having regard to the scale of any harm or loss, and the significance of the heritage asset. The identified 'less than substantial harm' to the setting and significance of the Park Farmhouse (Grade II) listed building is considered to be at the lowest end of this harm category, albeit it is acknowledged that any such identified heritage harm is required to be given weight in the planning balance by NWLDC.
- 9.8 This heritage balancing exercise of weighing the public benefits against the 'less than substantial harm' caused by the Proposed Development is set out below.

Public Benefits of the proposals

- 9.9 There are very significant public benefits that will arise from the proposals which should (individually and collectively) be given substantial weight in favour of the proposed development. These comprise the following:

Economic	Provision of a Construction Phase Employment Scheme, to be secured via planning obligations, which will deliver substantial skills and training to the benefit of local people during the construction phase of the development.
	The proposed development has been developed to meet an immediate demand and immediate market need for large-scale industrial and logistics units in the A/M42 corridor (with excellent links to the strategic highway network in the “golden triangle”). The proposed development would effectively satisfy the requirement for strategic B8 in the New Local Plan (as the Council has provisionally committed to taking 50% of the outstanding Leicester and Leicestershire requirement for road-served strategic distribution floorspace - understood to be a floorspace of at least circa 106,000sqm).
	The proposals can deliver floorspace that is capable of accommodating between 1,030 and 1,720 full time jobs (FTE) across both Development Zones.
	The creation of jobs on the Mercia Park Expansion site could generate between 1,160 and 1,940 net additional employment opportunities for individuals living throughout the Midlands. Some 730 jobs could be created in total for residents of six local authorities that comprise the local impact area.
	Around £2.8 million in business rate revenue will be generated each year, of which around £1.4 million could be retained by North West Leicestershire District Council, the county council and the local fire authority.
	Further economic benefits will also be temporarily generated while around £87.6 million will be invested in construction (which could be sufficient to create an average of 90 new employment opportunities for residents of the Midlands, including 35 for those living in local impact area) and add £45.2 million in GVA to the region’s economy over the 5-year construction period.
Environmental	The proposed development will deliver a high-quality employment park with a locally inspired identity, consistent with the design of Mercia Park in terms of heights, layout and elevational appearance.
	The proposed development has been designed to be landscape-led. New areas of amenity within its landscape would be created for the benefit of future employees and local residents, which will connect up to Mercia Park. The majority of the existing trees and hedgerows will be retained as part of the development of the Site, with extensive supplemental planting proposed (39,030 new trees and 3064m of hedgerow).
	There will be biodiversity gains of at least +10.26% for habitat, +24.60% for hedgerow and +23.91% for watercourse , and the proposals will include the provision of biodiverse infrastructure planting.
	Sustainability benefits including targeting BREEAM ‘Excellent’, the inclusion of roof-mounted PV panels and electric vehicle charging points.

Social	The proposals include new crossing points over the A444 between Mercia Park and the expansion site, allowing sustainable movements on foot (or by cycle), physically connecting both sites with a safe active travel route, thereby promoting sustainable transport.
	New amenity areas and walking routes will be created on the Site connecting into already established routes within Mercia Park and the wider area, enhancing permeability for employees and the local community.

- 9.10 Overall, it is concluded that the significant public benefits of the proposed development significantly and demonstrably outweigh the loss of Grade 2 agricultural land (60% of the site) and the **very low** level of ‘less than substantial harm’ to the setting and significance of the Park Farmhouse (Grade II) (notwithstanding that any such heritage harm carries great weight applying paragraph 212 of the NPPF) and, therefore, the heritage balance exercise in paragraph 215 of the NPPF is favourable to the proposals.

Development Plan

- 9.11 This Statement has demonstrated that the Proposed Development fully accords with the key local plan policies regarding the principle of development (**Policy S3** and **Policy Ec2**). There is also a substantial level of accordance with the relevant local plan policies as a whole.
- 9.12 As such, applying the first limb of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (‘PCPA 2004’), the proposals should be approved as they in accordance with the Development Plan (in accordance with paragraph 11(c) of the NPPF).
- 9.13 Alternatively, and notwithstanding our position above that the proposals are in accordance with the Development Plan as a whole, the Council could consider that the policies which are most important for determining the planning application are out-of-date by virtue of Policy S1, as the deadline for submitting the ‘Substantive Review’ (i.e. New Local Plan) for Examination by the Planning Inspectorate passed on 21 November 2022.
- 9.14 The New Local Plan is currently at Regulation 18 stage and has not been submitted for Examination. Therefore, it could be argued that paragraph 11(d) of the NPPF is therefore engaged (the ‘tilted balance’) (i.e. as the most important policies for determining the planning application are out-of-date by virtue of Policy S1). In this scenario, there are no policies within the NPPF that provide a ‘strong reason’ for refusing the proposals, and it is also clear from this Statement that the significant public benefits of the proposals outweigh any harm.
- 9.15 It is therefore considered that, taking into account the case put forward within this Statement, and the evidence provided through information submitted in support of the accompanying planning application, that the proposals represent sustainable development that should be approved by NWLDC without delay either on (a) our primary case (i.e. compliance with the Development Plan and the balance of material considerations applying section 38(6) and / or (b) on the alternative basis (i.e. that the

tilted balance in paragraph 11(d) of the NPPF is engaged and any disbenefits of the proposals do not significantly and demonstrably outweigh the substantial benefits of the proposals).

Appendix 1: Parameters Plan for Outline Elements



- Dimensions are in millimeters, unless stated otherwise.
- Scaling of this drawing is not recommended.
- It is the recipients responsibility to print this document to the correct scale.
- All relevant drawings and specifications should be read in conjunction with this drawing.

KEY

- Planning Application Boundary
- STRATEGIC LANDSCAPING AND INFRASTRUCTURE**
Full Application
Plot Area: 12.22 ha (30.19 acres)
Further details provided in drawing 18139-UMC-SI-ZZ-DR-A-0207-Detailed Infrastructure Plan
- DEVELOPMENT ZONE 1**
Full Application
Use Class: B8 with ancillary offices E(g)(i)
Plot Area: 9.79 ha (24.20 acres)
- DEVELOPMENT ZONE 2**
Outline Application
Use Class: B2, B8 and / or E(g)(iii) with ancillary offices
Plot Area: 7.07 ha (17.47 acres)
- Access Corridors for Development Zone 2**
Vehicular and active travel accesses will be required within these corridors to enable the connection of DZ2 (in outline) to the spine road (in full). The final position and detailed design of these accesses is reserved until the final layout of DZ2 has been confirmed and approved; final details of the accesses will be submitted alongside applications for the approval of reserved matters for DZ2. Illustrative access crossing are shown here in dotted lines and on other plans and documents. These are purely indicative.
- PRINCIPAL ACCESS & INFRASTRUCTURE**
Further details provided in drawing 18139-UMC-SI-ZZ-DR-A-0207-Detailed Infrastructure Plan

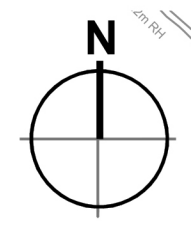
Full details for strategic landscaping, access, drainage, utilities, earthworks, levels and detailed scheme for Development Zone 1 are provided on separate application plans.

PLANNING

THIS DRAWING IS TO BE USED FOR THE STATED PURPOSE ONLY AND SHOULD NOT BE USED FOR ANY OTHER

rev	amendments	by	ckd	date
Mercia Park Expansion				
Parameters Plan for Outline Elements				
Information Container LOIN				
LOD 3		LOI 3		
info@umcarchitects.com				
RIBA PoW Stage:		3 - Spatial Coordination		
Document Suitability:		S3		
Drawn / Checked:		JT / SG		
Date:		20/11/2024		
Scale:		As Indicated @ A1		
UMC Project Number:		18139		
Document Reference:		Drawing no:		Revision:
18139 - UMC - SI - XX - DR - A - 0206				P.1

Appendix 2: Detailed Infrastructure Plan



- Dimensions are in millimeters, unless stated otherwise.
- Scaling of this drawing is not recommended.
- It is the recipients responsibility to print this document to the correct scale.
- All relevant drawings and specifications should be read in conjunction with this drawing.

- KEY**
- Site Boundary
 - Development Zone 1
 - Outline Application Development Zone 2.
(Further details provided in drawing ref:
18139-UMC-SI-XX-DR-A-0206 Parameters
Plan)
 - Access Corridors for Development Zone 2**
Vehicular and active travel accesses will be
required within these corridors to enable the
connection of DZ2 (in outline) to the spine
road (in full). The final position and detailed
design of these accesses is reserved until the
final layout of DZ2 has been confirmed and
approved; final details of the accesses will be
submitted alongside applications for the
approval of reserved matters for DZ2.
Illustrative access crossing are shown here in
dotted lines and on other plans and
documents. These are purely indicative.
 - New roundabout and an internal spine road,
as well as changes to the existing highway.
 - Earthworks, Mounding & Landscaping
 - Drainage works
 - Foul Pumping Station
 - Retaining structures - Gabion baskets are
proposed as the construction method for the
retaining structures at this stage. Alternative
construction methods may be considered,
subject to review and approval by the
structural engineer.
 - Active travel routes
 - Permissive paths
 - Electrical Substation
 - RMU
 - Electric Meter Box
 - Gas Meter

Full details of the hard and soft landscaping, substation
and foul pumping station provided on detailed plans
submitted with the application.

Development Zone 1 – full details of earthworks,
drainage, finished floor levels, site access, landscaping,
lighting and boundary treatments provided on detailed
plans submitted with the application.

Development Zone 2 – full details of all below ground
works including earthworks, levels and drainage
provided on detailed plans submitted with the
application. All above ground works sought in outline.

rev	amendments	by	ckd	date
-----	------------	----	-----	------

Mercia Park Expansion

Detailed Infrastructure Plan

Information Container LOIN	
LOD 3	LOI 3



o int@uncarcnctts.com

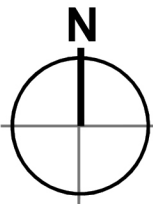
RIBA PoW Stage:	3 - Spatial Coordination	
Document Suitability:	S3	
Drawn / Checked:	JT / SG	
Date:	22/11/2024	
Scale:	1:2000	@ A1
UMC Project Number:	18139	
Document Reference:	Drawing no:	Revision:
18139 - UMC - SI - XX - DR - A - 0207		P.1

PLANNING

THIS DRAWING IS TO BE USED FOR THE STATED PURPOSE
ONLY AND SHOULD NOT BE USED FOR ANY OTHER



Appendix 3: Illustrative Masterplan



- Dimensions are in millimeters, unless stated otherwise.
- Scaling of this drawing is not recommended.
- It is the recipients responsibility to print this document to the correct scale.
- All relevant drawings and specifications should be read in conjunction with this drawing.

KEY

- Application Boundary:**
71.86 Acres (29.08 Hectares)
- Development Zone 1**
- Development Zone 2**
- Retaining Walls
- Proposed foot/cycle routes linking Mercia Park
- Proposed sitewide landscape footpath
- All landscaping & planting shown indicatively. For detailed layouts, refer to BEA drawings
- Existing trees and vegetation adjoining site boundaries

SCHEDULE OF ACCOMMODATION
(Gross Internal Area)

Development Zone 1 - Full Planning Application	
Unit 300	
Warehouse Area	- 520,695 ft² (48,374 m²)
GF Core & 1st Floor Office	- 14,575 ft² (1,354 m²)
2 Storey Transport Hubs	- 5,108 ft² (476 m²)
3 Storey Mezzanine	- 64,686 ft² (6,009 m²)
Total Area (GIA)	- 605,064 ft² (56,213 m²)
Total Area (GEA)	- 611,302 ft² (56,791 m²)
Standard Loading Docks	- 66
Mega Trailer Docks	- 8
Level Access	- 8
HGV Parking	- 49 (inc. EV spaces)
(EV HGV Charging)	- 5
Car Parking	- 424 (inc. EV spaces)
(EV Charging)	- 42 (10% provision)
(Future EV Charging)	- 42 (10% provision)
Net Plot Area	- 24.20 Acres (9.79 Hectares)

Development Zone 2 Outline Planning Application Area	
Net Plot Area	- 17.48 Acres (7.07 Hectares)

Overall Net Plot Area for Development Zone 1 and Development Zone 2	- 41.68 Acres (16.86 Hectares)
--	---------------------------------------

A full description of the hybrid format of the planning application (areas sought in full and in outline) is set out within the supporting Planning Statement

The full design details for DZ1 are provided on separate drawings

rev	amendments	by	ckd	date
-----	------------	----	-----	------

Mercia Park Expansion

Illustrative Masterplan

Information Container LOIN	
LOD 3	LOI 3



info@umcarchitects.com

RIBA PoW Stage:	3 - Spatial Coordination	
Document Suitability:	S3	
Drawn / Checked:	JT / SG	
Date:	24/10/2024	
Scale:	As Indicated @ A1	
UMC Project Number:	18139	
Document Reference:	Drawing no:	Revision:
18139 - UMC - SI- XX- DR - A - 0205		P.3

PLANNING

THIS DRAWING IS TO BE USED FOR THE STATED PURPOSE ONLY AND SHOULD NOT BE USED FOR ANY OTHER

Turley Office

9 Colmore Row, Birmingham, B3 2BJ

T 0121 2330902