

Joint statement of case

from

Polesworth Parish Council, Dordon Parish Council and Birchmoor Community

Action Team (BCAT) Rule 6 Party

Appeal by Hodgetts Estates

**Land north-east of Junction 10 of the M42 Motorway / north of the A5 Dordon,
North Warwickshire, B78 1TB.**

PINS Ref: APP/R3705/W/3336295

LPA Ref: PAP/2021/0663

Prepared by Margaret Henley BA (Hons) MA

Polesworth Parish Councillor

1. Introduction

1.1 This Rule 6 Statement provides Polesworth Parish Council, Dordon Parish Council, and the Birchmoor Community Action Team's Statement of Case in relation to an appeal lodged by Hodgetts Estates against the North Warwickshire Borough Council's (NWBC) non-determination of the outline planning application referenced PAP/2021/0663.

1.2 The parties are two Parish Councils and The Birchmoor Community Action Team (BCAT). The latter is a local voluntary community-based group of village residents who have been asked by the residents of Birchmoor to represent their views in the appeal presented by Hodgetts Estates (HE).

1.3 The two Parish Councils made representations on the application during the consultation period, objecting on a number of grounds.

1.4 NWBC formally considered the planning application at their Planning and Development Board meeting on 4th March 2024 as if it had been the determining Authority. It resolved that it would have refused planning permission.

1.5 The proposed development of the strategic gap by HE is opposed in full and is one of the main considerations that we will address in our Proofs of Evidence.

2.Strategic Gap and its importance to the Rule 6 parties

2.1. North Warwickshire Local Plan (LP) was adopted in September 2021 and at LP4 outlines the Strategic Gap. This is further defined in (LP) 7.25, 7.26, 7.27 and 7.28.

2.2 Policy LP4 supersedes other policies in the NWBC plan. NWBC have made it quite clear in LP 7.27 that the Strategic Gap north of the A5 where the proposed HE development is situated, is free standing. The purpose being to maintain the gap, both visually and in landscape terms between the urban areas of Polesworth, Dordon and Tamworth.

2.3 In approving the Local Plan the Inspector gave special emphasis in stating the need for this. To abandon this principal would seem to significantly undermine the integrity of the Local Plan as well as being to the significant detriment to the communities of Polesworth, Birchmoor and Dordon.

2.4 Any development in the area would significantly close the strategic gap and would affect parts of Dordon and the village of Birchmoor significantly.

2.5 The Dordon Neighbourhood Plan (DNP) Community Objective 7: Village Identity, specifically outlines the sense of space, place, and separation between the western end of the built-up area of Dordon and mainly the M42, in accordance with LP4.

2.6 Any development on this plot of land would contribute to the image and size of the industrial character for people travelling along the A5 due to the existing large industrial estates on the opposite side of the A5.

2.7 DNP identified Key Views 1, 2 and 3 which show the current separation between Dordon and Tamworth and the proximity to Birchmoor.

2.8 The importance of this area to communities of Dordon, Polesworth and Birchmoor will be advanced within our Proof of Evidence.

Impact of development in the Strategic Gap

3.1 The Parish of Polesworth is a semi-rural area within the District of North Warwickshire. Polesworth has three separate communities - Birchmoor, Warton and the largest settlement of Polesworth itself. Each community is predominantly residential with their own distinct geography, heritage, and natural environment.

3.2 The Parish of Dordon is similarly semi-rural in nature and the Strategic Gap is mainly situated in the parish and provides a clear separation from Tamworth.

3.3 The strategic gap borders onto the hamlet of Birchmoor and the western edge of built-up Dordon as per LP4. Once a strategic gap is compromised it cannot be reinstated and it is crucial to maintain the separate and distinctive identities of Tamworth, Polesworth and Dordon.

3.4 The loss of open space and agricultural land in the area is deplored and is not in keeping with LP4.

3.5 The proposed development would dramatically and permanently alter the setting outlined in DNP 4 and the Key Views V1, V2 and V3. The remaining land between the site and the edge of Dordon would not provide an area of separation but would appear an anomaly in an otherwise developed A5.

3.6 The visual and landscape impact of the very large warehouse units south of the A5 demonstrates the impact that this development would have on the north of the A5. The inspector in his decision on allowing the appeal for the St Modwen development on the south of the A5 concluded that the Meaningful Gap (as it was then called) would be maintained by the presence of 'the open farmland to the north of the A5'.

3.7 The open fields and agricultural use of all the land between the M42 and the edge of the Dordon built up area is a defining characteristic. Its value is accentuated by the fact that this is the only remaining expansive landscape between the M42 and the edge of Dordon as the land to the south of the A5 and the pattern of development that fronts the whole length of that stretch of the south side of the A5 now has an urban feel.

3.8 The development proposals are not in conformity with DNP1 and DNP4. The site is a prominent tract of open space between the edge of Dordon village and the built-up area of Tamworth on the west of the M42. Development of this site would substantially diminish the sense of openness on the main approach to Dordon village.

3.9. If major development of the scale and nature proposed is permitted on the site this would permanently change the character of the wider area. The landscape value of the remaining open area would be disproportionately diminished. The remaining parcel of land would not provide the function the whole area does now, which is forming a clear, open, undeveloped break between the M42 and the start of Dordon village some way in the distance.

3.10. The significance of the undeveloped character of the Strategic Gap has been reflected in Borough policy for 35 plus years being called 'An Area of Restraint and a Meaningful Gap' in the Polesworth and Dordon District Plan 1989, the 1995 North Warwickshire Local Plan, the North Warwickshire Local Plan 2003, the Core Strategy 2014 and a Strategic Gap in the 2021 Local Plan

3.11 The National Planning Policy Framework paragraph 30 states that ‘Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently’,

3.12 Birchmoor is the most affected area of Polesworth Civil Parish and is described in the Draft Polesworth Neighbourhood Plan (DrPNP) (submitted to NWBC for consideration) at DrPNP 3.4.

3.13 Birchmoor is surrounded by undeveloped land, as well as the Strategic Gap there is a large expanse of such land dividing it from Polesworth village and this stretches as far as the B5000 Tamworth Road. It attracts no through traffic and consists of five roads plus small developments off one of them. It is very rural in aspect and is a tight-knit community.

3.14 The DrPNP key issues are outlined in DrPNP 2.9; 2.10; 2.12; and 5.47.

3.15 The DrPNP seeks to maintain the distinctive character of each of the settlements within Polesworth Parish Council area and specifically the retention of the Strategic Gap between our parish and neighbouring areas; DrPNP 5.46 and DrPNP 6.

3.16 The site of the application is immediately to the south of the hamlet of Birchmoor and will impact strongly on the environment, the biodiversity of the area and the health of the inhabitants of Birchmoor.

3.17 Residents of Birchmoor have concerns regarding the erosion of green space, air pollution, light pollution, noise pollution, effects on wildlife in the area, increased traffic to the village, lost Lorries causing difficulties on narrow roads and work traffic using the village for parking and the possibility of opportunist crime.

3.18 The areas of undeveloped land surrounding Birchmoor provide a habitat for wildlife and nesting birds are seen in the area and mud jacks, all of which would be impacted by any development within the strategic gap.

3.19 Continuous use of industrial buildings would cause increased noise in the area. The Lorry Park would produce noise and air pollution.

3.20 The Environment Impact Statement carried out by HE only assesses the anticipated HGV traffic into the proposed Lorry Park and does not look at the added emissions to the existing air pollution levels.

3.21 The area is one of high employment. The area has a high amount of logistic provision. Employment in this sector is becoming increasingly vulnerable to automation. Other areas are earmarked for such development in North Warwickshire but have not yet been developed.

3.22 House building in the affected parishes provides little to none low cost housing for such low paid workers to move into the area.

3.23 Part of the land of the proposed development is often waterlogged and any development could lead to water displacement and flooding on the A5.

3.24 The proposed development would require additional access to the A5 and increase traffic levels on this busy stretch of road.

3.25 Any movement of freight traffic to the Birch Coppice Rail terminal would require lorry transport along the A5 and M42/A5 Junction which would increase traffic on the busy stretch of the A5 and the M42 Junction 10 roundabout.

3.26 Further congestion on the A5 would increase traffic through Polesworth and make traversing the village problematic.

3.27 The provisions at LP6, additional employment land, and LP34, lorry parking provision in the Borough; do not support the application for such a development in the Strategic Gap and do not outweigh the provisions of LP4.

4. Developmental impacts on heritage and access

4.1 The site of Hall End Hall and estate and earlier settlement would be compromised by this development.

4.2 There are two footpaths which run through the proposed site which, if diverted, will effectively mean the loss of this facility to this area and its community.

5. Conclusion

5.1 The proposed development represents a significant threat to the communities of Birchmoor and Dordon. It is in breach of the 'strategic gap' which is given prominence in the Local Plan and as such undermines its integrity if permission is granted for this development.

5.2 The proposed development would have significant impact on the distinctive nature of the communities of Birchmoor, Polesworth and Dordon, while in return offering employment opportunities which are currently available in abundance, and which may not be sustainable in the event of perceived future developments.

5.3 The additional loading on the local road network does not appear to be sustainable or in the interests of the local community as this would make transport links more difficult. Individual rights are likely to be curtailed in terms of the degradation of rights of way, increased noise, air and light pollution and the possibility of increased criminal activity in the locality.

5.4 The development would impact on heritage assets.

5.5 Evidence will be given on the views of the residents of Birchmoor, Polesworth, and Dordon.

5.6 The inspector in his decision on allowing the appeal for the St Modwen development on the south of the A5 concluded that the Meaningful Gap (as it was then called) would be maintained by the presence of 'the open farmland to the north of the A5'. This decision should not be compromised or overturned.

Other Relevant Documents

North Warwickshire Local Plan (LP)

Dordon Neighbourhood Plan (DNP)

Draft Polesworth Neighbourhood Plan (DrPNP)

Evidence from the preparation of the Neighbourhood Plans

US Environment Protection Agency www.epa.gov

Combustion Engineering Association www.cea.org.uk

NWBC Air Quality SPD

The National Atmospheric Emissions Inventory

Our Warwickshire website www.ourwarwickshire.org.uk

National Planning Practice Guidance