



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY HODGETTS ESTATES

**LAND NORTH-EAST OF JUNCTION 10 OF
THE M42 MOTORWAY, DORDON, NORTH
WARWICKSHIRE**

**SUMMARY PROOF OF EVIDENCE
on behalf of**

**POLESWORTH PARISH COUNCIL, DORDON
PARISH COUNCIL AND BIRCHMOOR
COMMUNITY ACTION TEAM (BCAT)
LOCAL RULE 6 PARTY**

APP/R3705/W/24/3336295

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Introduction and Key Policy Position

1. This Proof of Evidence is provided on behalf of Polesworth Parish Council, Dordon Parish Council and Birchmoor Community Action Team (BCAT), who are subsequently referred to as the 'Local Rule 6 Party'.
2. The Appeal relates to an outline development for Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works. An overnight lorry parking facility and ancillary infrastructure and associated works is also proposed. The parameters plans seek to fix the use zones on the site, maximum height of buildings within the zones (based against AOD levels) and details for a new traffic light controlled access onto the A5. All other matters are for illustrative purposes only.
3. The Development Plan consists of the North Warwickshire Local Plan 2021 and the Dordon Neighbourhood Plan (2023). The policies within these Plans are considered to be consistent with the National Planning Policy Framework and up to date and thus can be afforded full weight.
4. The Local Plan includes the Appeal Site as part of a Strategic Gap. Policy LP4 states that this designation is to maintain the separate identity of Tamworth and Polesworth with Dordon. Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of these settlements. Consideration will be given to any effects in terms of the physical and visual separation between those settlements.

MAIN ISSUE 1: The effect of the proposed development on the Strategic Gap between Tamworth and Polesworth with Dordon

5. The Appeal Site is located within a relatively narrow gap between Tamworth and Polesworth with Dordon, covered by Local Plan Policy LP4. This separation designation has been retained between each Development Plan iteration for the last 35 years. The land to the north of the A5 has remained open, which within the current Local Plan is more clearly defined and protected than earlier versions of the policy.
6. Assessments of the 'meaningful gap' (an earlier title for the Strategic Gap) on behalf of the Council in 2015 and 2018 [CD G2 and G3] identified the Appeal Site as part of the highest value land in respect of its contribution to the separation of the settlements and providing a buffer between the settlements, including Birchmoor which is located within the gap itself.
7. The importance of this gap to the north of the A5 was also identified by a Planning Inspector on appeal, when allowing development to the south of the A5 in 2018 [CD K2 paragraphs 27 - 28]. Development to the south of the A5 has only elevated the importance of maintaining the Strategic Gap to the north of the A5.

8. The importance of this Strategic Gap has been strongly supported by local residents for decades. It is the only such designation within the Borough, underlining the unique situation that prevails in this location. This space is actively used as green space by local residents, due to the public rights of way that traverse the space. This offers mental and physical benefits to local residents, a position augmented by the wildlife that occupy the green space. The loss of this space has been extensively objected to by local residents at application stage, a position that continues through the Appeal.
9. The Appeal development would remove roughly 30% of the width of the open agricultural land on the southern part of the Strategic Gap (adjacent to the A5). The majority of this would be filled with high buildings, hardstanding and an array of coloured lorries, contrasting completely with the open, flat land currently provided. The development of this land will result in development extending over the M42 boundary, such that the identity of Tamworth and Polesworth with Dordon becomes unclear. The site is within North Warwickshire, and thus the parish of Dordon, but would be perceived as being adjacent to the development edge of Tamworth when viewed from the east.
10. In a north/south direction, the development would represent a continuation of the employment development across the A5. Barring a landscaped bund to the north, the proposal will connect built development from the A5 straight up to Birchmoor, a small collection of dwellings that currently are located within the centre of the Strategic Gap. This arrangement would be lost, and the new buildings created dominant the Birchmoor residential properties. With Birchmoor linked to this development, visually more than 60% of the Strategic Gap between the A5 and B5000 (parallel highways running east/west) would be lost.
11. The perception of the gap from within the space itself (public rights of way), from the key highway routes adjacent to the space (particularly the A5) and to views from the edge of the adjacent settlements would all be eroded by this development. This impact is considered to be significant and undermines the core function of the Strategy Gap. The proposal is considered to conflict with Policy LP4 of the Local Plan and Policies DNP 1 and DNP4 of the Dordon Neighbourhood Plan.

MAIN ISSUE 2: The effect of the proposed development on the character and appearance of the surrounding area

12. NWLP Policy LP14 relates to landscape and seeks to conserve and enhance the natural landscape and to restore landscape character where possible. NWLP Policy LP16 then recognises the importance of the natural environment in respect of the quality, character, diversity and local distinctiveness needing to be protected and enhanced as appropriate. The main concern in respect of this appeal is the visual impact of the development.
13. Significant change is considered to occur from the Dordon Neighbourhood Plan Viewpoint 3 (Appellant Viewpoint 3), which offers an easterly view across the Appeal Site and Strategic

- Gap. The foreground of this view would be substantially changed, such that the perceived gap would be completely removed.
14. Open views are provided westwards from the edge of Dordon (DNP Viewpoints 1 and 2; Appellant Viewpoints 5 and 20). The development would physically truncate the extent of the open land by around 30%, with new planting and extensive buildings provided in the view in front of the current M42 linear corridor. This would notably reduce the separation, a position that is perceived to be even greater given the screening already by existing vegetation of the M42 corridor and the service area to the west. The perceived separation would be roughly halved as a result of this development.
 15. Similar views as DNP Viewpoints 1 and 2 are provided by persons moving along footpath AE46 which arcs towards the eastern boundary of the Appeal Site from the A5 to the south, as well as the footpath link connecting this to the playing fields in Dordon (between Appellant Viewpoints 4 and 5). As one moves closer to the Appeal Site, the impact upon views from this footpath will increase, with an overriding change in appearance comparable to that noted for viewpoints 1 and 2.
 16. Bridleway AE45 runs in a north/south direction across the Appeal Site/along its edge. The view from this route (Appellant Viewpoints 3, 4 and 8) would be fundamentally changed from one of an open agricultural landscape on the western side, to one with industrial development and lorry parking. Whilst vegetative planting and bunding will be provided, this does not alter the magnitude of the change to views along this route.
 17. Views south from Birchmoor and the end of bridleway AE45 would be similarly changed (Appellant Viewpoints 1 and 17), with the open wide view of agricultural land changed to a landscaped bund, with glimpses of the buildings beyond. Lighting in the evenings/night time will further augment this change, where the view essentially will be obscured.
 18. From the A5 looking north, the extent of landscape possible is unlikely to screen the development. The extensive buildings will therefore be visible and clearly alter the character of the land compared to an open site.
 19. The extent of all of these visual changes indicate that the proposal will have a significant impact upon the appearance of the site and its contribution to the surrounding area. the

footpath routes appear well used and offer various circular routes between Birchmoor and Dordon. This impact dovetails with the erosion of the Strategic Gap function. The Appeal is considered to conflict with Local Plan Policies LP14 and LP16 and Neighbourhood Plan Policy DNP 4.

MAIN ISSUE 3: Its effect on the best and most versatile agricultural land

20. Protection is afforded to the loss of agricultural land, and in particular the Best and Most Versatile (BMV) land by the NPPF. 91% of the Appeal Site is Grade 2 agricultural land; at 29ha this represents a notable parcel of active high quality agricultural land that will be lost.
21. The national Agricultural Land Classification maps and more recent Natural England Predictive Best and Most Versatile Land quality maps both indicate that there should be large areas of lower quality land. Theoretically this development could be accommodated elsewhere within the area without the loss of any, or notably less, BMV.
22. The loss of BMV should therefore be considered contrary to the NPPF paragraph 180 (b) as well as the aims of Local Plan Policy LP29 (point 13) which seeks to protect the natural environment and not degrade soil quality.

MAIN ISSUE 4: Its effect on the nearby strategic and local highway network and on the safety and convenience of users of these highways

23. LP Policy LP 29 (point 6) seeks to ensure that safe access is provided for all users. This is augmented by the NPPF paragraph 115 which outlines that proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
24. Currently, there are outstanding highway concerns from Warwickshire County Council and Highways England in respect of the Road Safety Audit. These concerns if not resolved cause highway concern and thus conflict with policy.
25. In addition, concern is also raised by the local residents in respect of the additional congestion that the traffic will occur and the potential for additional 'lost' lorries attempting to travel

through Birchmoor due to the increase in movements in the immediate vicinity. Both already represent existing issues that would be exacerbated by the proposal.

MAIN ISSUE 5: Whether the proposed development would address an immediate need for employment land and, if so, whether the Appeal Site is an appropriate location to meet such a need

26. The LP Policy 6 'Additional Employment Land' is central to the potential delivery of additional employment sites to meet any 'immediate need'. The Site is a speculative development in that there is no identified end user and no fixed floor area proposals for the B1/B2/B8 uses. The assumption that the development would meet a generalised need to the area whereby additional development is required does not appear to accord with the intentions of Policy LP6.
27. In light of the lack of an immediate need, plus no proven achievable access to the strategic highway network and conflict with the Strategic Gap policy (namely Local Plan Policy LP4 and DNP Policies DNP1 and 4) the proposal does not comply with two of the three requirements as set out in Policy LP6 for non-allocated employment land.

MAIN ISSUE 6: Whether the Appeal Site represents an appropriate location for the provision of an overnight lorry parking area and associated facilities

28. It is recognised that LP Policy LP34 is supportive of additional lorry parking; this is caveated by it needing to be on appropriate sites and not have undue impacts as a result. There are issues in respect of highway safety and capacity which leads to the conclusion that whilst the principle of lorry parking is acceptable, the development in this specific location causes issue. The impact of the proposal upon the Strategic Gap is also relevant to the appropriateness overall of this specific location.
29. Provision of parking to meet an identified need within the Logistics Golden Triangle will need to be weighted within the planning balance, as considered in a separate key matter heading below.

MAIN ISSUE 7: How the proposed development would perform against the objectives for achieving sustainable development set out in the National Planning Policy Framework

30. Section 2 of the NPPF sets out the Government’s position on sustainable development. This has been assessed using the economic, social and environmental strands as outlined in paragraph 8. The benefits and harms of the development are summarised below, based upon the following grading:

- Substantial
- Very significant
- Significant
- Moderate
- Limited
- Very limited
- Negligible/No weight

Topic Area	Benefit/Harm
Employment generation (construction and operation)	Moderate benefit
Revenue/economic spend from development	Moderate benefit
Loss of active agricultural land	Limited harm
Provision of parking and facilities to HGV drivers	Significant benefit
Additional facilities to all other uses (non-HGV drivers)	Limited benefit
Enhanced public right of way connectivity	Limited benefit
Change to quality of environment to public rights of way	Moderate harm
Change in outlook/amenity to Birchmoor residents	Moderate harm
Highway safety	Significant harm
Additional congestion and disruption to Birchmoor due to lost / stuck HGVs	Limited harm
Visual impact (reinforcing Strategic Gap requirement)	Substantial harm
Biodiversity Net Gain	Moderate benefit
Noise	Neutral
Air quality	Neutral
Lighting	Limited harm

Flooding/Drainage	Neutral
Heritage (Archaeology)	Limited harm
Heritage (Built Environment)	Neutral

31. The delivery of employment opportunities, additional HGV parking and the social benefits associated with the facility to HGV drivers are the notable benefits from economic and social aspects.
32. However, the environmental harm that results from the proposal due to the landscape harm to the countryside and the loss of the Strategic Gap is considered significant. The proposed mitigation does not reduce this visual harm. The loss of the countryside and the harm to its setting is contrary to development plan policy and carries significant weight. This harm is permanent.
33. Other harm in respect of highway matters weighs further against the proposal, whilst a number of other matters represent lesser harms that are also identified.
34. Adverse effects to the environmental strand of sustainability is considered to outweigh the benefits created through the social and economic strands. The scheme as a whole is therefore contrary to the overarching sustainability policies of the Local Plan as well as the thrust of the NPPF.

MAIN ISSUE 8: Whether any submitted planning obligations and/or planning conditions would adequately address the impacts of the proposed development

35. Whilst there are expected to be identified harms, there is potentially scope for these to be mitigated by way of conditions and planning obligations. Any conditions will need to be discussed between the parties at the Inquiry.

MAIN ISSUE 9: How any benefits and disbenefits of the proposed development should be considered in the overall planning balance

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning appeals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

37. Substantive issues are noted in respect of the impact upon the Strategic Gap (policy based), the character and appearance of the area and highway safety issues. The loss of agricultural land also weighs against the proposal.

38. The benefit of the delivery of an employment site, economic and employment gains weight notably in support of the proposal, along with other matters such as enhanced biodiversity. However, the harms are considered to outweigh the benefits. Should highway matters be resolved, the remaining substantive issues of the impact upon the Strategic Gap and visual impact are considered to still outweigh the benefits.



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