



Hodgetts Estates

LAND NORTH-EAST OF JUNCTION 10 M42, NORTH WARWICKSHIRE

LPA Ref: PAP/2021/0663

Appeal Ref: APP/R3705/W/24/3336295

**Summary Planning Proof of Evidence by Doug Hann
BA(Hons), MTPL, MSc, MRTPI**



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1 EXECUTIVE SUMMARY

1.1 INTRODUCTION

1.1.1. My name is Doug Hann, and I am a Director at WSP. I hold a Bachelor of Arts Degree in Geography from Jesus College, Oxford University; a Masters in Town Planning from the University of Manchester; and a Masters in Business Management from Manchester Metropolitan University. I am a member of the Royal Town Planning Institute (RTPI). I have over 29 years of experience in planning practice, in both private consultancy and local government having previously worked in policy, regeneration and Development Management at Salford City Council.

1.1.2. My experience of employment site planning matters is considerable, and I have been involved in significant employment schemes across the country at all stages of the planning process. I have a detailed understanding of national, strategic and development plan policy in respect of land use planning matters raised by this appeal.

1.1.3. I was initially instructed by Hodgetts Estates in 2020 to consider planning matters pertinent to the site and have been involved continuously since, promoting the site through the planning system. I am therefore fully familiar with the site for the purposes of giving evidence at this Inquiry.

1.1.4. This appeal is submitted on behalf of Hodgetts Estates ('the Appellant') and relates to an appeal against North Warwickshire Borough Council (NWBC) and its non-determination of an outline planning application pertaining to land north-east of junction 10 of the M42 motorway, North Warwickshire ('the site') for:

'Outline planning permission for development of land within 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, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved'.

1.2 WHY APPROVAL OUGHT TO BE GRANTED

1.2.1. The appeal scheme should be approved as:

- (i) it accords with the development plan, therefore the presumption in S38(6) of the 2004 Act is engaged, as is the presumption in favour of sustainable development in NPPF paragraph 11(c);
- (ii) it does not give rise to adverse impacts of sufficient weight to outweigh either presumption; and
- (iii) to the contrary it meets a clear need and generates substantial economic, social and environmental benefits.

1.2.2. Even if, contrary to my view, there was a conflict with the development plan taken as a whole there are powerful material considerations which warrant a conclusion that the appeal ought to be allowed.

1.2.3. My case in synopsis is as follows:

DELIVERING ECONOMIC GROWTH

1.2.4. The proposal seeks commercial development that will deliver significant economic growth and productivity. It will meet a longstanding need for this form of development which has not hitherto been met within the development plan. Meeting this need fully aligns with NPPF and local plan policy objectives.

1.2.5. Further, it will deliver strategic employment land at a strategic location suited to and identified for such development. It will also deliver land suitable for a certain type of employment, namely logistics.

LOCATIONAL ADVANTAGE

1.2.6. The location of the site is critical. The site, as set out in the proofs of Mr Binks and Mr Hatfield, is ideally located to meet strategic employment and logistics needs as it is located in the Golden Triangle which is an area of the Midlands which is within a four-hour drive of 90% of the British population, with excellent connection via the motorway and trunk road network to ports and cities (N, E, S and W), and with close access to rail freight interchanges.

1.2.7. Studies prepared for the sub-regional local authorities and Chambers of Commerce pinpoint the area and site, with the WMSESS Phase 2 Study (2021) (the successor study to WMSESS Phase 1 (2015)) identifying the site as the joint best-performing site for strategic-scale employment development when compared against a range of criteria and 50 other sites throughout the region. Furthermore, the M42 Corridor is identified as Area 2 in the WMSESS Phase 2 and as being one of five 'Key Clusters' identified for growth)¹. Within Area 2, the appeal site is the only developer promoted site out of 11 sites assessed in WMSESS 2021 that is located outside of the Green Belt.

1.2.8. The site is importantly rail served, owing to its close proximity to Birmingham Intermodal Freight Terminal (BIFT) at Birch Coppice Business Park (around 500m). Support letters from Maritime

¹ Local Plan Policy LP6 refers to "Area A on Figure 4.10 of the WMSESS 2015 (or successor study)". WMSESS 2021 is the successor study to WMSESS 2015. "Area 2" is broadly the same geographic area identified as "Area A" in WMSESS 2015 (the M42 Corridor) – the appeal site is located within Area A/Area 2.

(which operates the BIFT), Logistics UK and the Rail Freight Group confirm that the appeal site benefits from being rail served, has drawn key occupiers such as Volkswagen, Beko and Maersk for that reason. The locational advantages are critical in helping to decarbonise freight and bring competitiveness. The rail connectedness of the site is a scheme benefit of very significant weight and a benefit that is supported by appeal precedent in the Borough, as I evidence later.

- 1.2.9. The site and location are thus demonstrably the ideal location for strategic employment and logistics land. NPPF paragraph 87 is clear that *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations”*.
- 1.2.10. Therefore, the site lies in the right geographic location for meeting the strategic employment and logistics needs. It is the only remaining quadrant of M42 J10 which is undeveloped, with it completing the cluster of commercial sites around the junction able to take advantage of the rail freight interchange. It is further well placed, as the site is located outside of the Green Belt.
- 1.2.11. The site is also ideally located to meet the acute need for HGV parking. The proof of Mr Hatfield demonstrates that the site lies in the parking need hotspot identified through the National Survey of Lorry Parking (2017) and the identified need in this location is endorsed further by the updates to that survey in 2022 (Part 1 and Part 2), as well as qualitative and quantitative evidence contained in the proof of Mr Hatfield.

MEETING NEED

- 1.2.12. Having established it is the right location, I then address need. There is an urgent and compelling need for additional large scale employment land in North Warwickshire and the sub-region. This has been shown through successive studies prepared for NWBC and other sub-regional authorities over the past decade and longer. These are set out in full in the proof of Mr Turner. The weight of the need is overwhelming, the efforts to address it underwhelming (as I set out later).
- 1.2.13. The most recent evidence prepared by Cushman and Wakefield for this Inquiry (the Employment Land Study May 2024 at **Appendix 1 of the proofs of Mr Binks and Mr Turner**) demonstrates that **within Area A/Area 2/M42 Corridor**, which is considered the relevant study area in the context of Local Plan Policy LP6, **there is a 3 - 3.5 month land supply**, and **in North Warwickshire there is a 0 (zero) months land supply**. This need therefore remains acute and real, with a woefully inadequate supply of land to meet the need.

- 1.2.14. Not meeting the need will continue to have negative consequences for the Borough, its population, and the sub-regional, regional and national economies. This is contrary to the objective of sustainable development.
- 1.2.15. It is a position diametrically opposed to NPPF which seeks to build a strong and competitive economy, to help create the conditions in which businesses can invest, expand and adapt. Not providing the land where it is needed will see the significant investment from national and international companies lost from North Warwickshire and the wider sub-region and region. This loss of investment and GDP will adversely impact the economy, denting its competitiveness. This runs counter to the Local Plan and the strategic objective of supporting economic growth that captures the benefits for local residents. Not meeting need in the locationally best areas will have economic and environmental downsides as it will impact competitiveness and lead to additional transportation requirements.
- 1.2.16. Not meeting the need will have negative social consequences of not providing the direct and indirect employment opportunities to the nearby residents of North Warwickshire and Tamworth, in particular those in the more deprived wards which lie close to the site, which are within walking and cycling distance.
- 1.2.17. Not meeting the need will have negative environmental consequences, as failing to grasp the locational advantages of the site, in particular its rail served status (serviced by Birmingham Intermodal Freight Terminal ((BIFT)) at Birch Coppice Business Park, opposite the site) will miss the significant opportunity of taking freight off the road, reducing road trips and thus the associated pollution and carbon reduction benefits. It will also miss the opportunity of providing modern green buildings and site operations, critical in allowing the commercial and logistics industry to innovate and reduce its environmental effects.
- 1.2.18. The lorry parking need is equally acute, with the proof of Mr Hatfield setting out the urgent need in this location which demonstrates that existing facilities are over capacity and the Appellant's own parking beat surveys, undertaken by WSP, which show an average of 117 inappropriately parked HGVs in the vicinity of the site on each night surveyed.

FAILURE OF PLANNING POLICY TO ADDRESS NEED

- 1.2.19. Against this overwhelming need and consequence position, the planning application decision making process is critical in delivering the necessary employment land. Frankly, it is the best and most realistic option.
- 1.2.20. The plan making process has consistently failed to provide strategic employment land in North Warwickshire, and the wider sub-region.

- 1.2.21. For the last two plan cycles, the Core Strategy (2014) and Local Plan (2021), NWBC has deliberately not planned for anything other than meeting local employment needs. This is despite a significant number of sub-regional and regional studies (such as the WMSESS) which have clearly articulated the level of strategic need, the paucity of supply and highlighting the locational advantages of the location for meeting these wider than local needs.
- 1.2.22. This failure of plan making, was acknowledged by the Inspector presiding over the examination into the 2021 Local Plan, who considered the plan could only be sound with the inclusion of Policy LP6 which gives significant weight to provision of additional employment land, where there is an immediate need or need for a certain type of employment land, within Area A of the WMSESS Study (2015) and the need cannot be met from allocations or forecast supply. The Inspector did not however want to halt the plan examination to allow for strategic need and allocations to be considered, so introduced Policy LP6 as the mechanism to address the void in policy considering strategic need.
- 1.2.23. That policy void is evermore present following the revocation of regional planning guidance, which has left a clear policy vacuum between the NPPF support for meeting all employment needs, and the Local Plan in which North Warwickshire has sought to meet local needs only, and make no provision for meeting strategic or logistics needs. Those needs have effectively been left to other boroughs and districts or the property development sector to provide for, or to go unmet.
- 1.2.24. The problem is that, all the neighbouring Local Planning Authorities to North Warwickshire Borough within Area A/Area 2/M42 Corridor, which is considered the relevant study area in the context of Local Plan Policy LP6 (as identified in the Employment Land Study May 2024 at **Appendix 1 of the proofs of Mr Binks and Mr Turner**), have taken a similar stance post regional guidance abolition and sought to meet their local needs only in their adopted local plans. Furthermore, the aforementioned Cushman and Wakefield Study sets out that of the five neighbouring LPAs within Area A/Area 2/M42 Corridor, three have emerging local plans at a very early stage (Birmingham City Council, Coventry City Council and Tamworth Borough Council – all at Regulation 18 stage), all of which are either silent on whether the emerging plan will meet strategic employment needs and/or contain no such employment allocations and as such there is no certainty that strategic employment needs will be addressed. The Lichfield District Council emerging plan was withdrawn from examination in October 2023 and did not include any strategic employment land provision. Solihull District Council's emerging Local Plan is the most advanced (at Regulation 22 examination stage), however it has progressed extremely slowly since it was submitted for examination in May 2021 and in any case seeks to address local needs only.

- 1.2.25. Therefore, despite the duty to cooperate, the LPAs within the Area A/Area 2/M42 Corridor at present only provide a series of adopted and emerging plans that fail to address strategic employment need. This is in the face of the overwhelming evidence reports that consistently highlight the locational advantages of the area (Golden Triangle), its transport infrastructure (two strategic rail freight interchanges, trunk road connectivity to the UK), its connections to key industry of national importance such as the automotive sector, and access to workforce and areas of deprivation.
- 1.2.26. This policy vacuum means that strategic employment sites must be progressed and delivered through the development management process. Indeed, the adjacent site to the south, Tamworth Logistics Park (formerly St Modwen Park Tamworth), was brought forward through an application and then appeal process, allowed and is now built and making a meaningful contribution to meeting strategic employment need, occupiers' needs and providing jobs for the local community. However, it had to be pursued through the appeal process, in the absence of what was then the Core Strategy addressing wider than local employment need.
- 1.2.27. This appeal proposal finds itself in the same situation, a compelling evidence base of need, a scarce and inadequate supply of land to meet the need (none in North Warwickshire itself) and very little in the wider sub-region, an adopted local plan that only seeks to meet local need and not strategic need, and no regional guidance which previously supported strategic sites and strategic logistic sites. The only difference now is that Policy LP6 has been inserted into the plan to provide the significant policy weight to delivering additional employment land.
- 1.2.28. Policy LP6 was inserted very purposefully, to plug the policy void and failure to address the need for strategic employment and logistics land, by affording 'significant weight' where the immediate need or need for a certain type of employment land is demonstrated, the site lies in Area A, and forecast supply and allocations will not meet the need. Policy LP6 was very much designed for the circumstances this appeal finds itself, to support development and allow it to come forward.

WHY THE EMPLOYMENT DPD WILL NOT RESOLVE THE MATTER

- 1.2.29. NWBC has asserted that the proposed Employment DPD will address additional employment land through the plan making process, and therefore intimated that we might all wait. This is not tenable for a number of reasons. Firstly, the need for additional land is immediate and urgent, there is a policy in place to expressly deal with the situation (Policy LP6) which gives clear locational and policy criteria. It is a sound policy.
- 1.2.30. Secondly, the DPD is at a very early stage in the plan making process, having only just undertaken an issues and options consultation. It has a long journey to reach adoption which will take some time. Based on the evidence base prepared over the last decade or more, it is inevitable in my view that the DPD will need to identify a requirement and sites to meet the more than local need.

However, I am sceptical that the DPD will do so, based on experienced history in North Warwickshire, as for the current Local Plan, they were faced with similar evidence of strategic need and that their borough was locationally ideally placed to meet that need, but they decided to not address the need. A similar story emerged from the Core Strategy.

- 1.2.31. Therefore, waiting to see if the DPD addresses the need in a couple of years' time, with the risk that NWBC will again fail to meet the need, whilst there is an immediate need for land now, is contrary to national guidance and indeed Policy LP6.
- 1.2.32. Indeed, at the time of writing Schedule 7 of the Levelling Up and Regeneration Act 2023 which promised a more rapid progress towards plan making has not been enacted by the outgoing Conservative Government. The development plan process may be generously characterised as being in something of a state of turmoil.
- 1.2.33. As stated, the appeal site is located in Area A of WMSESS Phase 1 and Area 2 of the WMSESS Phase 2 (the successor study) and in the latter is identified as the joint best-performing site for strategic-scale employment development when compared against a range of criteria and 50 other sites throughout the region. Importantly, it is not located in the Green Belt. The majority of Area A/Area 2 is located in the Green Belt. NPPF is very clear in that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Paragraph 142). Development in the Green Belt is inappropriate and should be refused. Where land is to be taken out of the Green Belt 'exceptional circumstances' must be demonstrated, and the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.
- 1.2.34. The appeal site does not lie in the Green Belt, although it does lie in the Strategic Gap. If the authority were to promote Green Belt release, then the strategic need for employment land and its location in Area A/Area 2 would inevitably underpin the 'exceptional circumstances' case. If these exceptional circumstances exist to justify Green Belt release, then they must be of equal or greater weight in outweighing Strategic Gap policy, which is less onerous than Green Belt policy. Indeed, Strategic Gap policy LP4 is not and cannot be as stringent as Green Belt. It does not have the same national policy status.
- 1.2.35. Therefore, if the future DPD was to identify a need for sites in Area A/Area 2, and the majority of Area A/Area 2 is in the Green Belt, then it would need to look at alternative sites outside the Green Belt first. The appeal site is such a site that lies outside the Green Belt, and is plainly an alternative as the WMSESS identified it as the joint best performing of 50 sites. It must therefore be a preferred site to allocate, based upon the application of the highest tier of protection of national policy. If the

need and locational advantages of the appeal site are not sufficient to overcome the lower bar of Strategic Gap, they will struggle to overcome the much higher bar of Green Belt, meaning that North Warwickshire will be unable to identify any sites in Area A/Area 2 to allocate for strategic employment development. This will see the need not satisfied yet again.

ACCORDANCE WITH POLICIES LP4 AND LP6

- 1.2.36. This application, for the joint highest ranked site can address that need now. Policy LP4 does not preclude development in the Strategic Gap. It does not preclude large scale development in the Strategic Gap. Indeed, development can be policy compliant where it does not significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether significant harm to their characters would occur, any effects in terms of the physical and visual separation are to be considered.
- 1.2.37. The Appellant's landscape witness, Mr Smith, in his Proof of Evidence demonstrates that whilst the scheme comprises a large development in the gap, due to the size and configuration of the gap, and the nature of development proposed, that there will not be significant adverse harm to the distinctive, separate characters of Tamworth and Polesworth with Dordon. The proposal therefore accords with Policy LP4.
- 1.2.38. In the interplay of Policies LP4 and LP6 therefore, the accordance with Policy LP4, allied to the significant weight given by Policy LP6 mean that significant weight is attached as there is a compelling immediate need and need for logistics land, the site lies in Area 2 and is indeed the preferred site, local plan allocations meet local need only and are not suited or capable of meeting strategic need, and the forecast supply is insufficient to meet need (only 3 – 3.5 months supply in the Area A/Area 2/M42 Corridor and 0 (zero) months supply in North Warwickshire, as set out by in the proof of Mr Binks and the Employment Land Study May 2024). The three Policy LP6 criteria are then met as Dr Bunn in his proof, and the agreed Highways SoCG with National Highways, demonstrate that safe and suitable access can be provided (LP6 criteria (i)), Dr Bunn and Mr Hatfield demonstrate that the site is accessible by a choice of modes of transport (LP6 criteria (ii)), and the proposal is acceptable with respect to the living conditions of those nearby (as accepted by NWBC on the basis of consultee feedback and it not being a reason for refusal) (LP6 criteria (iii)). Therefore, the proposal benefits from the 'significant weight' of Policy LP6.
- 1.2.39. As I set out in my Proof of Evidence, there are no material considerations which indicate that permission should not be granted. All technical matters are satisfactorily resolved.

ACCORDANCE WITH LP34

1.2.40. The proposal delivers urgently needed lorry parking spaces and facilities. It fully accords with LP34 which recognises the Borough's strategic location and demand for lorry parking, and gives weight to lorry parking provision and facilities. This weight is important as the plan contains no allocations for lorry parking. This aligns with NPPF paragraph 113 which states planning decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

SIGNIFICANT BENEFITS DELIVERED

1.2.41. The proposal will directly deliver significant benefits now, spanning economic, social and environmental aspects. In summary they are:

- Creation of in the range of 1,000 to 1,400 Full-Time Equivalent new jobs; jobs of a wide range of salary levels and skills that are well-located and highly accessible in respect of nearby settlements;
- GVA of up to £104.2 million annually in perpetuity to the West Midlands economy, focused on North Warwickshire and Tamworth;
- Up to 100,000sqm of mixed-use modern employment floorspace, including provision of up to 10,000sqm of floorspace targeted at small-medium sized enterprises;
- Multifunctional ancillary Hub Office, for training and education purposes and communal cycle parking/showers/changing facilities;
- Up to 150 space overnight lorry parking facility and associated welfare;
- Co-location and timing of new employment opportunities in proximity to residential development would align with the delivery of major new housing sites at Polesworth with Dordon (site allocation H4) and Tamworth (site allocation H5), in the adopted North Warwickshire Local Plan;
- Infrastructure improvements to Junction 10 of the M42 motorway and the A5 between Tamworth and Dordon, including an improved footway/cycleway along the A5;
- Environmental and social benefits, including:
 - Over 9ha of on-site publicly accessible green infrastructure (over 30% of the total site area), including extensive landscaped buffers;
 - Over 6.5ha of off-site green infrastructure incorporating native woodland and hedgerow planting and a community orchard, along the route of the existing and enhanced ProW network;

- Over 8.5km of new and enhanced on and off-site public footpaths, bridleways and footway/cycleway routes to improve connectivity, sustainable commuting modes, the promotion of active and healthy lifestyles and access to nature;
- A new publicly accessible fitness trail, incorporating hydraulic and other outdoor gym equipment;
- Substantial biodiversity net gains, largely as a result of the +15.5 hectares of new habitats including native woodlands, a community orchard, shrublands, mixed hedgerows, wildflower meadows, wetland wildflower meadows and species rich grassland; and
- Approximately 10,000 new trees to be planted across the scheme and other ecological features.

1.2.42. The proposal will also enable the delivery of transport infrastructure that will help to deliver the local plan strategy. As the proof of Dr Bunn demonstrates, the J10 and A5 improvement works required to facilitate major allocations in the Local Plan are not funded and not likely to be delivered until after 2030. Dr Bunn provides evidence that the appeal proposal can provide a notable infrastructure boost – up to 80% of the Local Plan could be accommodated at Junction 10 M42. At Dordon Roundabout, the Local Plan is currently constrained, and the technical assessment work evidenced in the proof of Dr Bunn also shows that up to 30% of the Local Plan traffic can be delivered prior to the need for any improvements.

1.2.43. As such, the appeal proposal would act as a Local Plan enabler rather than having an adverse effect on its delivery and would deliver critical infrastructure without the need for public funding. Policy LP1 is clear that weight in favour will be given to development that would assist in the provision of enabling infrastructure, particularly that which would help facilitate development in the long term, which I consider Local Plan allocations to constitute. This is therefore a very significant benefit of the scheme.

SUSTAINABLE DEVELOPMENT

1.2.44. The proposal therefore delivers substantial benefits and constitutes sustainable development.

1.2.45. In my view, under NPPF paragraph 11, the proposal benefits from the tilted balance as I consider the plan to be out of date with respect to part (d) which states that “*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

- 1.2.46. The Local Plan is silent on specific policy to deliver strategic and logistics land to meet identified need (with no allocations or policy specifically quantifying a requirement for strategic employment land to be met). The emerging Employment DPD which is proposed to address the matter is delayed and at a very early stage so cannot be afforded any weight. Therefore, the Local Plan is absent and silent with respect to providing confidence of delivering strategic employment land. It is thus out of date. NPPF Paragraph 11(d)(ii) is thus engaged. The proposal therefore benefits from the titled balance in favour.
- 1.2.47. The fact the authority three years since plan adoption is proposing an Employment DPD reinforces this point that there are no relevant plan policies. There is no certainty the DPD will provide any policy or sites, and in any event it is some 2 years from adoption. No weight can be placed on it for the purposes of this appeal.
- 1.2.48. Far from conflicting with the Local Plan – the appeal proposals further the plan’s objectives.
- 1.2.49. Against NPPF paragraph 11, the appeal site does not lie in a footnote 7 designated area, and the impacts as set out in evidence do not, and can be mitigated to not, have a significant adverse impact. The very substantial benefits the proposal brings more than outweigh any impacts.
- 1.2.50. Therefore, the NPPF paragraph 11 presumption in favour of sustainable development is engaged and approval should be granted without delay.

1.3 PLANNING BALANCE

- 1.3.1. The starting point is that the appeal proposals accord with the relevant parts of national and local policy and therefore attract both the statutory weight of S38(6), as well as the presumption in favour of sustainable development in NPPF paragraph 11(c).
- 1.3.2. If Policy LP6, when considered with regards to the presumption in favour at NPPF paragraph 11, were deemed a relevant policy suitably able to deal with strategic employment land, then the presumption in favour would not be engaged. This would return the case to the usual planning balance. However, in such case, to dis-engage the presumption in favour would be relying on LP6 being applied as a strategic policy of significant weight to take precedence over other policies in the plan (where criteria are met) to deliver the strategic employment land.
- 1.3.3. Therefore, the significant weight afforded by LP6 must be weighed heavily in the planning balance to enable it to take precedence over the other policies in the plan, in order for it to have teeth to provide strategic employment land in the absence of any allocations or quantitative requirement.

- 1.3.4. In the application of Policies LP4 and LP6, they work together. Whilst the appeal site is within the Strategic Gap and there will be an impact in terms of the physical reduction of the gap, it is not a significant impact and, in any case, Policy LP4 allows development to come forward within the gap where it would not adversely effect the distinctive, separate characters of Tamworth and Polesworth with Dordon. I have set out how it accords with Policy LP4.
- 1.3.5. I have also set out how it accords with Policy LP6 and gains the 'significant weight' with respect to other policies in the plan.
- 1.3.6. The lorry parking facilities accord with NPPF and Policy LP34 and meet an established need in an identified hotspot location.
- 1.3.7. The appeal proposal also accords with other strategic policies in the Development Plan, namely Policies LP1, LP2, LP5, LP11, LP12 and non-strategic Policy DNP12.
- 1.3.8. Furthermore, there are no technical planning matters or conflicts with policy that cannot be mitigated. The technical evidence submitted with the appeal/other proofs demonstrably addresses technical matters to conclude there is no significant harm.
- 1.3.9. The appeal proposal is therefore in accordance with the Development Plan as a whole.
- 1.3.10. In the planning balance there are a multitude of scheme benefits, many of which are of significant or very significant weight, in addition to the already demonstrated sustainable credentials. The vast majority of these benefits are true 'added benefits' and not those that arise from mitigation. These are key material considerations that weigh heavily in favour of the proposal.
- 1.3.11. There is significant industry support for the proposals which also are material considerations weighing in favour.
- 1.3.12. Therefore, in accordance with S38(6) the proposal accords with the development plan, there are no harms that outweigh the benefits, and whether NPPF paragraph 11's presumption is engaged or not, the planning balance swings unequivocally in favour of the grant of consent.
- 1.3.13. Even if the contrary view is taken (despite my opinion) that the appeal proposals conflict with the development plan; then my view is that there are substantial material considerations which would justify allowing the appeal in any event.
- 1.3.14. I respectfully request that the appeal is allowed and consent be granted.



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