

General Development Applications

(10/d) Application No: PAP/2020/0295

Land West Of Hams Hall Roundabout and south of, Marsh Lane, Curdworth,

Outline application for an overnight truck stop comprising 200 HGV spaces and associated facilities including fuel refuelling station, amenities building, electric vehicle charging points, staff and other car parking, and landscaping. Including details of vehicular access from Marsh Lane, all other matters reserved, for

Caesarea Development Holdings Limited

1. Introduction

1.1 The receipt of this application was referred to the July 2020 meeting of the Board. It was resolved that Members visit the site and they were requested to do so individually because of the “gathering” restrictions that applied at that time. Since then, the restrictions have been removed and Members visited the site at the end of October 2022. A note of that visit is at Appendix A.

1.2 A copy of the previous report is attached at Appendix B.

1.3 In response to the lapse of time since the submission, the applicant has produced an Addendum to his originally submitted Planning Statement and this is copied in full at Appendix C. A further letter is attached which responds to a request for an updated position given any changes in circumstance in respect of additional provision having been granted since submission. This is at Appendix D.

1.4 Additionally, an amended plan has been received. This does not materially affect the substance of the proposal. As a consequence of comments from National Highways, the “buffer” zone alongside the M42 cutting at the application site’s western boundary has been extended so as safeguard the structural integrity of the cutting. This results in a slight consequential change to the proposed site layout from the original submission. Additionally, the road layout has been amended in order to take account of the responses from the two Highway Authorities. As indicated above, the changes do not affect the overall application description as set out in the header to this report. The amended plan is at Appendix E.

1.5 The Council has now adopted the North Warwickshire Local Plan 2021. This therefore supersedes the 2014 Core Strategy and the Saved Policies from the 2006 Local Plan which were referred to in Appendix B. The current Development Plan context is set out below and thus replaces that in Appendix B.

1.6 Moreover, the National Planning Policy Framework (“NPPF”) was updated in July 2021 and references to the NPPF in this report are to that edition and thus replace the references in Appendix B.

2. Consultations

2.1 The following consultation responses have been received:

Warwickshire Police – No objection. The proposal is supported as it will give HGV's a secure place to park especially for those who now park on local roads. Security measures for the site are advised.

HS2 Ltd – The application site lies outside of the safeguarding limits, but it does lie within the Extended Protection Zone. Additionally, the area south of Marsh Lane is subject to HS2 powers to divert overhead lines. It does not wish to restrict the proposals but requests a number of precautionary measures which could be dealt with through planning conditions.

National Grid – No objection subject to agreed arrangements to protect the Grid's assets

Warwickshire County Council (Ecology) – No objection subject to a Landscape and Ecological Management Plan being agreed.

National Highways – No objection

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Warwickshire County Council as Lead Local Flood Authority - No objection subject to conditions

Warwickshire Fire Services – No objection subject to conditions

Warwickshire County Planning Archaeologist – No objection subject to pre-commencement evaluation work to be agreed by condition

Environmental Health Officer – No objection subject to conditions

Cadent Gas Ltd - No objection subject to precautionary arrangements to protect its assets

3. Representations

3.1 23 comments have been received in support of the proposal. These refer to the following main matters:

- It will provide a safe and secure place together with proper facilities for HGV drivers
- It will reduce inappropriate parking on roads and filling lay-bys.
- There is a real local problem in this area with HGV parking – this will help
- It's close to Hams Hall and the Motorway network
- There will be a reduction in litter and waste in lay-bys and along some roads.

3.2 The Road Haulage Association (“RHA”) writes in support of the proposal referring to a number of matters and thus the letter is attached in full at Appendix F.

3.3 The Department for Transport writes to the RHA to say it supports the provision of improved overnight lorry parking in England.

3.4 A representation of support has been received from Cushman and Wakefield who act as Managing Agents for and on behalf of Hams Hall Management Company. This is attached at Appendix G.

3.5 380 representations have been received in objection to the proposal. Some of these are repeat objections following receipt of the Applicant’s Addendum. They refer to the following main matters:

- It’s in the Green Belt – it’s not appropriate development
- It must/should be relocated to the Hams Hall Estate
- There will be visual intrusion – buildings, activity and lighting
- HGV’s will still try and get through the village to the site
- Extra noise, pollution and dis-amenity close to the village
- It will bring more crime and anti-social behaviour to the village
- The site cannot be made “secure”
- There will be consequential health and well-being issues
- It will not be effective as drivers will still use the lay-bys rather than pay to use the site.
- The survey does not conclude that Curdworth is the best location – it should be on a brownfield site
- There will be a loss of wildlife
- Surface water run-off will be polluted
- It may impact on a “Civil War” heritage site
- There will be disruption from HS2 and this will make matters worse

3.6 Hodgetts Estates has objected to the proposal on the grounds that the applicant’s alternative sites’ assessment is flawed in that it has ignored its proposal for an HGV park at Junction 10 which is outside of the Green Belt yet still within the “hot-spot” area of Hams Hall to Dordon (Birch Coppice); that the Tamworth Services could be lost as a consequence of HS2 thus requiring a local replacement, that the applicant’s site does not address east/west HGV movement along the A5 and there is no reason why the two sites could not operate together.

3.7 Hodgetts Estates has also considered the Applicant’s Planning Addendum – see paragraph 1.3 above and Appendix C. It reiterates the case for the Junction 10 scheme, saying that there is a non-Green Belt alternative which has not been included in the Applicant’s alternative site assessment and thus the applicant’s case that there are no reasonable alternatives is flawed. As a consequence, the objection suggests that the two applications should be considered at the same time. The second objection letter is at Appendix H.

3.8 Curdworth Parish Council objects. Its initial response is attached at Appendix I and this is supplemented by the receipt of a second letter following the submission of the Applicant’s Addendum – Appendix J.

3.9 Craig Tracey MP has written to object.

4. Development Plan

4.1 The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP25 (Transport Assessments), LP31 (Development Considerations), LP34 (Parking) and LP32 (Built Form)

5. Other Material Planning Considerations

The National Planning Policy Framework 2021 – (the “NPPF”)

National Planning Practice Guidance

Department of Transport Circular 02/2013 updated on 23/12/22

National Survey of Lorry Parking 2008

Strategy for Lorry Parking in England 2009

Written Ministerial Statement 2018 – National Survey of Lorry Parking

Written Department of Transport Ministerial Statement 2021

Report on the Driver Shortage by the RHA 2021

“Future of Freight: a long-term plan” – Department of Transport June 2022.

“Road Freight Supply Chain” House of Commons Committee Report 2022.

6. Observations

a) Green Belt

6.1 The site is in the Green Belt. In these circumstances Members will first need to address the matter of whether the development proposal is appropriate or not appropriate development in the Green Belt as defined by the National Planning Policy Framework (the “NPPF”). If it is concluded that this proposal is appropriate development, then the presumption will be to support it unless there are significant and demonstrable harms that cannot be overcome. These harms will need to be identified and they should be of sufficient weight to override the presumption of support. If it is concluded that it is not appropriate development, then the presumption is one of refusal. Inappropriate development is harmful to the Green Belt, but there may also be other harms. Members will therefore have to identify any other such harms. The applicant will promote his development by identifying the planning and other material considerations which he considers will outweigh the total level of harms caused. The Board will then have to undertake an assessment of the final planning balance. That is to say, do the matters put forward by the applicant clearly outweigh the total harms caused. If they do, then the very special circumstances will exist such that the development can be supported.

6.2 The report below will follow this sequence.

b) Appropriate or Not Appropriate Development

6.3 The site is in the Green Belt. The NPPF says that new development which is not appropriate in the Green Belt is harmful to the Green Belt and thus should carry a presumption of refusal. In this case the development being proposed is for a change in the use of the land – from agricultural to an HGV park. The NPPF says that changes of use may not necessarily be inappropriate development provided that they satisfy two conditions. The first is that the development preserves the openness of the Green Belt and the second is that it does not conflict with the five purposes of including land within the Green Belt as set out in the NPPF. These two conditions will now be assessed based on the plans that are submitted to illustrate the proposal.

6.4 There is no definition of openness in the NPPF. In planning terms, it is generally taken to mean the absence of development. Members will be aware that the assessment of the impact on openness should be based on the application site as one planning unit. As set out in the previous report, the site comprises two parcels of land. It is important to stress that the parcel to the south of Marsh Lane is proposed for new woodland planting and bio-diversity enhancements. It is considered that this part of the proposals would preserve the openness of the Green Belt hereabouts and would not conflict with the five purposes. This is because of the absence of any built development or associated engineering operations. This conclusion will have to be included into the final assessment of the impact of the overall development on the openness of the Green Belt.

6.5 The other parcel of land to the north of Marsh Lane is where new development would take place. In order to assist in the openness assessment, the National Planning Practice Guidance sets out four elements that should be considered when looking at the impact of a development on the openness of the Green Belt. The first of these is a spatial element. In wider terms, the open nature of the land hereabouts is considered to be extensive to the north of Junction 9 of the M42, but that it narrows into a corridor between Hams Hall to the east and Curdworth to the west, ending in the south with the northern built-up area of Coleshill and its Industrial Estate. It is considered that spatially the proposal would not impact on that extensive area to the north, but that it would impact far more in the corridor referred to above. This is because of its size and because it also extends across the width of that corridor such that it divides it. In so doing it separates the land to the north from that to the south. It thus fragments the corridor and that will not preserve the spatial element of the openness of the Green Belt hereabouts. The second element is a visual element. The site is in this corridor of land which is presently open, having little built development apart from the overhead line. The proposal introduces built development into this corridor. It will be visible because of the adjoining road network; its size and because it would wholly develop the site, together with its lighting and its 24/7 use. There will thus be a strong visual change in the appearance of this part of that corridor – from open agricultural land to an urban form of development. The third element is the activity that would be associated with the development. There will be a substantial change in this respect. The present use of the site is negligible in terms of activity. That will change with the introduction of HGV and other vehicle movements; human activity and twenty-four use of the site. This too would not be confined to a small section of the site. The final element is whether the proposal is for temporary or infrequent use of the land as opposed to permanent use. Here it is

the latter. When all of these matters are put together, it is considered that the development of the northern parcel of land would not preserve openness.

6.6 It is considered that this conclusion still applies when the application site is treated as a whole – the southern and northern parcels together. The visual element may be mitigated to an extent, but the conclusions in respect of the other elements remain as being of far greater weight.

6.7 Turning to the second condition then again it is important to assess the site as a whole. As above, both parcels may conflict differently with the five purposes of including land in the Green Belt. It is considered that the proposals for the southern parcel of land would not conflict with the five purposes. However, there would be conflict with the proposals for the northern parcel. The first purpose of land being in the Green Belt is “to check the unrestricted sprawl of large built-up areas”. It is considered that there would be conflict with this purpose. There is extensive built-up development to the east at Hams Hall and at Coleshill to the south. The Peddimore development on the east side of Birmingham will bring further urbanisation towards Curdworth. In other words, the setting here is one of increased development. The second purpose is to “prevent neighbouring towns merging into one another”. There is a similar conflict here but the gaps here are between smaller settlements as well as towns – Curdworth, Water Orton, Minworth and Coleshill. The third purpose is to safeguard the countryside from encroachment. The development will result in the loss of countryside and that is considered to be significant because the proposals would fragment the countryside within the corridor of land as described above. There would thus be encroachment. The fourth purpose is to “protect the setting and special character of historic towns” which does not apply here. The final purpose is to “assist in urban regeneration by encouraging the recycling of derelict and other urban land”. There would be some conflict with this “brown field land first” purpose, but the applicant has undertaken a search of alternative sites and thus this is something that should be dealt with in the final planning balance. In combining these conclusions, it is considered that there would be conflict with at least three of the purposes of including land within the Green Belt.

6.8 As before, this conclusion still applies when the application site is treated as a whole – the southern and northern parcels together. Woodland planting and bio-diversity enhancements would not conflict with the five purposes, but this is outweighed by the conflict arising from the substantive development here.

6.9 Overall therefore, the conclusion is that the proposed change of use of land is not appropriate development in the Green Belt and is thus harmful to the Green Belt by definition. This harm carries substantial weight in the final planning balance.

6.10 However before proceeding, Members are asked to consider one further matter. The NPPF says that “changes of use” in the Green Belt may not necessarily constitute inappropriate development and then specifies conditions against which to make that determination. This exercise has been undertaken above. But it too identifies some other development proposals which may not necessarily be inappropriate development. One of these is development for, “local transport infrastructure which can demonstrate a requirement for a Green Belt location”. It again outlines the same two conditions as that for assessing proposed changes of use.

6.11 Before looking at these conditions in this context, it is first necessary to determine whether the development as a whole would comprise “local transport infrastructure which can demonstrate a requirement for a Green Belt location” so that it could be considered as being appropriate development in the Green Belt. There is no definition of local transport infrastructure in the NPPF, however it is agreed that the proposal here is for transport infrastructure. So, the first issue is whether this infrastructure is “local”. Examples that have been accepted under this definition elsewhere include Park and Ride sites; new road junctions to access allocated development as well as new bridge structures. The issue with the current proposal is that the infrastructure is being promoted both as a means of addressing a local problem – emphasised in the letter at Appendix D - as well as assisting in alleviating a national problem. It is wholly acknowledged that the applicant has submitted evidence to show that there is a local HGV parking problem around Hams Hall and that the proposal will assist in addressing those problems and thus that there will be local benefits. His local survey however indicated around 50 HGV’s being parked around the Hams Hall area, yet the application is for a 200 HGV site. Even allowing for growth in HGV usage, this is a significant increase. Additionally, a significant portion of the applicant’s supporting evidence is that of illustrating a national problem of HGV parking – see section 5 above as well as Appendix B - and that the Hams Hall/Birch Coppice area is one of the problem areas in that national picture. Indeed, the national situation is one of the considerations being put forward by the applicant for assessment in the final planning balance. His allowance for growth too is based on national trends. The application is not therefore explicitly or wholly restricted to resolving Hams Hall issues alone.

6.12 The Inspector in the recent HGV parking extension at the Corley Services in North Warwickshire did not enter this discussion, finding that that proposal, regardless of whether it was “local” or not, did not satisfy the two conditions on openness and conflict with Green Belt purposes. It could not therefore be appropriate development even if it was “local”. The same approach applies here given the Green Belt harms identified above – paragraphs 6.5 and 6.7.

6.13 In conclusion, it is considered that the proposal is not appropriate development in the Green Belt. As such the development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is thus given to this Green Belt harm.

c) Other Harms

6.14 It is now necessary to establish if there are any other harms likely to be caused and if so, to identify the weight to be attributed to each.

i) Highway Matters

6.15 Local Plan Policy LP29 (6) requires safe and suitable access to a site for all users. The NPPF at paragraph 110 also requires that any significant impacts on the transport network should be cost effectively mitigated, and paragraph 111 says that development can be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

6.16 It is of significant weight that both National Highways and the Warwickshire County Council as Highway Authority have not lodged objections. The delay in bringing this application to the Board for determination has almost wholly revolved around the applicant satisfying both Highway Authorities and that has now happened. The amendments referred to above in Section 2 and as now incorporated into the amended plan at Appendix D therefore would accord with Local Plan Policy LP29 (6).

ii) Landscape Impacts

6.17 The NPPF requires new development to be sympathetic to local character and history, including the surrounding built environment and landscape setting; to create places that are safe and accessible, with a high standard of amenity and which will function well. This is reflected in Local Plan policies LP1 and LP14. LP1 requires all development to demonstrate a high quality of sustainable design that positively improves a settlement's character and appearance as well as the environmental quality of an area. LP14 requires development to conserve, enhance and where appropriate, restore landscape character. It explicitly refers to the North Warwickshire Landscape Character Assessment 2010.

6.18 The application site lies in two different landscape character areas as defined by this Assessment – Marsh Lane marking the boundary between the two. The northern parcel of land is in the Middleton to Curdworth – Tame Valley Farmland Area and that part south of Marsh Lane, is in the Cole Valley area.

6.19 Looking at the southern parcel first, then the Assessment describes the main landscape characteristic as being a “broad flat valley characterised by a complex mix of urban, transport and industrial uses that now dominate a historic parkland setting.” The parkland setting is that surrounding Coleshill Manor well to the south of this part of the application site. Amongst the landscape management strategies for the area are the need to “encourage new woodland planting in small, connected blocks” and to “improve and reinforce its former parkland setting”.

6.20 The proposals for the application's southern parcel of land are to landscape and plant, thus enhancing bio-diversity with no built development proposed. As such this part of the proposal would have a beneficial impact rather than cause harm, and that benefit would be a local landscape benefit as well as one for the area as a whole.

6.21 For the northern parcel, the key landscape characteristics describe “gently undulating and open arable slopes with a number of watercourses”; “sparsely settled with a scattering of small hamlets and villages”, “busy transport corridors connect to nearby industrial areas to the south around Hams Hall and have an urbanising influence particularly on the south part of this landscape area” and “lines of pylons cut through this landscape”. The landscape management strategies include the “encouragement of woodland planting and particularly in the vicinity of the M42/M6Toll junction” and “conserving the historic field patterns and pastoral character around settlement edges”.

6.22 The actual built proposal is on this northern parcel and it would introduce an urbanising influence and thus there would be a landscape impact. In terms of the Landscape Area as a whole, that would be a local impact because of its size in respect of the Area as a whole and because the site is isolated from the bulk of the Area by the local topography. Nevertheless, the Character Assessment does refer to the “south” of the Area and to the urbanising influences already there. However, this portion of the site

is open and not self-contained. The urbanising influence would thus be increased and to a noticeable degree such that any level of containment of the existing influences is diluted. Locally the landscape would be changed. In this regard therefore even though the landscape impact would be local, the level of harm caused by that impact would be significant.

6.23 The two conclusions from assessing the proposal against the two Landscape Areas need to be put together. The landscape benefit arising from the proposals on the southern parcel will mitigate the overall level of harm and increased peripheral landscaping around the northern parcel too would mitigate the local harm arising. As a consequence, the overall level of landscape harm caused is considered to be local in scope, but moderate in impact.

iii) Visual Impacts

6.24 There will be a visual impact too. The same two Local Policies as set out above are relevant as is Policy LP29 with its reference to the general principles of good design. As above the introduction of woodland planting and bio-diversity measures on the southern parcel of land would bring visual benefits not only in containing the visual impact of the development on the northern parcel, but also to the wider setting where there are several urbanising influences.

6.25 As already recorded, the proposal will introduce built development into an open area. As described in the Green Belt section above, that change will be material and permanent. It will also be adverse, introducing urban development into an area of open agricultural land and adding to the variety of urban influences in the local setting. In this case too, it would extend those influences over the line of the A446. It has however to be acknowledged that the development does not involve tall buildings and that there will be peripheral landscaping, but the site will be in continuous use and it would be well lit. Moreover, it will be “active” as its use will involve HGV movements into, out of and around the site over each 24 hour period.

6.26 The land rises from Marsh Lane towards the north and the northern part is relatively self-contained visually on its other sides by hedgerows and trees which border the surrounding highway network. If these existing features are strengthened, then these would lessen that visibility. This part of the site is however noticeably visible particularly when travelling along Marsh Lane. Drivers using the other surrounding roads would have transitory visual impacts. However, users of Marsh Lane would certainly experience the presence of the development even with peripheral planting because of the new entrance being created which opens up the site and the bridge over the motorway cutting being at a higher level than the site. There is a public footpath – the M21 - to the west of the motorway cutting, but views of the northern part of the site are limited because of intervening higher ground and obscured by planting. Views from the actual village are limited. Potential residential receptors are confined to Spring Farm and to the few houses on the north side of Coleshill Road as it leaves Curdworth. The views from Spring Farm would be mitigated by the planting proposed for the southern parcel of the application site and from rising ground levels. There would be similar mitigation from the houses on the edge of the village. However, the site would be lit, but the motorway lighting and its lit infrastructure would lessen adverse impacts. As a consequence of these matters, it is considered that the harms caused to visual amenity are local in scale but moderate in impact.

iv) Drainage Issues

6.27 The site is in Flood Zone 1 which is classified as the least vulnerable for new development. Local Plan Policy LP29 (11) requires new development to manage the impacts of climate change amongst other things through sustainable drainage measures. Policy LP33 sets out the Council's general approach to water and flood risk management. It is of substantial weight that the Warwickshire County Council as Lead Local Flood Authority does not object subject to planning conditions requiring sustainable drainage systems are introduced. One of the representations received refers to potential polluted surface water run-off. The systems approved by the County Council and the Permits needed from the Environment Agency would satisfy this concern. Foul water is proposed to be discharged via a pump and rising main to an existing Severn Trent Water foul sewer some 800 metres to the south-east subject to its agreement. In these circumstances it is acknowledged that there are unlikely to be unacceptable drainage impacts and thus harms caused.

v) Ecology Issues

6.28 Local Plan Policy LP16 requires the quality, character, diversity and local distinctiveness of the natural environment to be protected and enhanced as appropriate. Policy LP17 expands on this through seeking the enhancement and maintenance of green infrastructure. There are no statutory or non-statutory designated sites within or adjacent to the site taken as a whole. Both parcels of land are dominated by arable land with poor semi-improved grassland and scrub in its margins together with boundary hedgerows and trees. There would be some loss of hedgerow as a consequence of the construction of the new access but with new peripheral planting and the significant area on new woodland planting to the south and the introduction of other new habitats, it is agreed with the County Ecologist that there would be a nett gain in bio-diversity here across the whole site. There is evidence of some badger activity and thus additional precautionary survey work should be undertaken, but otherwise no other protected or notable species are found on the site. Bird surveys showed several different species using the two parcels of land, but it is acknowledged by the ecologists that that these were typical of the habitats present comprising common and widespread species such that the loss of the site would have only a minor impact on their local populations. The new habitats proposed south of Marsh Lane however could well introduce new species to the locality. Low levels of bat activity have been recorded, but any loss of habitat for nesting or foraging on the development site would be compensated and enhanced through the new habitats to be created on the southern parcel.

6.29 In these circumstances it is considered that there would no unacceptable ecological harms caused.

vi) Heritage Matters

6.30 Local Plan Policy LP15 requires the quality, character, diversity and local distinctiveness of the historic environment to be conserved and enhanced. The County Planning Archaeologist has no objection subject to pre-commencement conditions requiring a programme of evaluation work to be undertaken prior to work starting on site. He says that the site is in area of archaeological interest, but that work undertaken in the partial use of the site as a construction site compound in connection with the Motorway together with the construction of the pipelines that cross the site would have had an impact on any deposits that might remain. Given this and the mostly negative

recent geo-physical survey undertaken, he is satisfied that pre-commencement evaluative work is proportionate here.

6.31 The Council is under a statutory duty to pay special attention to the desirability of preserving and enhancing the character or appearance of its Conservation Areas. The nearest Conservation Area to the site is that in Coleshill. The proposals will not cause harm to the significance of this Area, due to separation distances and to the intervening topography.

6.32 The Council is also under a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The closest Listed Building is Dunton Hall and its associated outbuildings about a kilometre to the north-east – all grade 2 buildings. These form a group which has significance as a retained late 17th Century three storey house with a similarly dated barn, cart shed and pigeon house all illustrating contemporaneous external and internal characteristics. The proposal would cause no direct harm to the Hall itself or to any of the outbuildings. There would neither be harm to its setting given separation distances and the intervening topography. Additionally, that setting is much compromised by the variety of substantial urbanising influences in the area which are soon to be added to by HS2. Other Listed Buildings in Curdworth would not be harmed.

6.33 The current Curdworth Bridge - whilst not listed - over the Tame some 450 metres to the south replaced an earlier bridge. If the remains of the original are found it could be significant in that it would identify the site of a Civil War skirmish. The conditions recommended by the County Archaeologist would provide for such survey work and thus respond to the representations made above.

6.34 In all of these circumstances therefore it is considered that there would be no harms caused.

vii) Residential Amenity Issues

6.35 There are several matters to look at under this heading. Local Plan Policy LP29 (9) says that new development should avoid and address unacceptable impacts on neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution.

6.36 The visual impact of the proposal in its wider setting has been assessed above with a finding of there being a local impact with moderate harm. In respect of the scope for adverse visual impacts on the amenity of nearby residential occupiers, then this is limited due to the few properties that might be directly affected. The site would not be visible from the few frontage properties on Coleshill Road where it leaves the village - e.g. Butlers Croft, due to the rising ground levels towards the motorway cutting and because the ground level of the proposal would be “set down” within the site. Neither would it be visible from the property in the old section of Coleshill Road due to tree cover and ground level differences. Spring Farm is south of Marsh Lane on the application site side of the Motorway. It too is screened from the site by existing tree cover, but this situation would be lessened because of the opening up of the site through the construction of the new access. The proposed planting on the southern part of the site which is adjacent to Spring Farm would however assist in some way. The site would be unlikely to be viewed from the residential property on the east side of the

A446 to the north-east of the site – Newlands Cottage - because of the separation distances; intervening tree cover and the proposed ground level of the site being set down into the land. There is an isolated farm to the west of the motorway cutting, close to the public footpath and north of the Coleshill Road. Views of the site will be limited.

6.37 Perhaps the most noticeable concern on residential amenity in respect of visual amenity is the twenty-four lighting of the site. Notwithstanding the modern specifications of lighting infrastructure, there will be a noticeable change for those residential occupiers identified above. The applicant has used the Institute of Lighting Professionals Guidance in his assessment of potential lighting impacts. This identifies and describes a number of “Zones” according to their lighting environment. It is agreed that this is appropriate as it is widely used and accords with the NPPF in adopting a proportionate approach through looking at designs and specifications that are appropriate for each zone. In this case the applicant has used a cautious baseline by concluding that the site itself is in the “Rural” zone notwithstanding the surrounding highway lighting infrastructure. The applicant’s lighting strategy is thus designed in this context so as to minimise light pollution and thus not cause significant and demonstrable harm. This strategy includes LED luminaries which emit light downwards; the use of as few columns as possible and variation of luminance around the site between 10 lux and 20 lux.

6.38 This cautious approach is welcomed and the strategy is considered to align with this. However, there would still be an additional pooling of light to a high specification over the northern part of the site. That pooling, because of the specifications in the strategy, would be concentrated and contained in the site with little surface reflection or sky glow. However, it would cover a large area and could not be screened through tree planting. The overall impact whilst local in extent would be adverse for the closest residential properties.

6.39 In general terms therefore, the overall visual impact on the residential amenity of neighbouring occupiers is considered to be limited in scope, but moderate in scale mainly due to the introduction of increased lighting.

6.40 The second potential concern is the likely noise impacts arising from the proposals. The applicant’s assessments are based on the potential impacts for the closest residential properties to the main development site. These locations are agreed. Noise impacts will be very largely as a consequence of HGV movements increasing along Marsh Lane by traffic entering and leaving the site. However, account should also include that of reversing vehicles as well as them using the on-site fuel pumps. This is the case with the applicant’s assessments. The most important impact is considered to be an assessment of the full use of the site during the night-time period. The applicant’s assessment of ambient noise levels is based on survey work in September 2019 and thus before the first national “lockdown”. Dominant sources of noise were found to be the adjoining M42/M6 Toll motorways and the local highways. Background levels were found to be in the range of 64 to 60 dB between 0700 and 2300 and between 59 and 57 during the 2300 to 0700 time period. The assessment concludes that there would only be negligible increases in noise levels as a consequence of traffic noise. In respect of the operations on the site then the assessment shows no adverse effects. The assessment also specifically looked at reversing vehicles and this too shows that the predicted noise levels would be below 60dB. The applicant thus considers that there

would be no significant harm caused that can be demonstrated through the evidence of his assessment.

6.41 It is of substantial weight that the Council's Environmental Health Officer agrees with the applicant's assessment. In these circumstances there would be insufficient evidence available to support a refusal based on there being an unacceptably significant noise impact. However, in order to fully mitigate noise levels, it is considered appropriate to include planning conditions on any grant of a planning permission here so as to require a Construction Management Plan; to require full details and specifications for the Council's approval of all on-site mechanical plant and of the operation of the fuel pumps that would be installed as well as to require full details of the perimeter landscaping and bunding.

6.42 As a consequence, the level of harm caused to the residential amenity of neighbouring residential property through adverse noise impacts would be local in scope and minor in scale.

6.43 A further consideration is that of air quality. Because the development is large and because of the change in H and LGV movements associated with the proposal the applicant has submitted an Air Quality Impact Assessment. This is based on looking at impacts on the nearest residential properties. The overall conclusion is one of negligible impact as any effects would be within recognised levels.

6.44 The Environmental Health Officer has looked at this assessment against the Council's own Air Quality Supplementary Planning Document and is satisfied that given this is an outline application, a planning condition should be included in any planning permission requiring discharge of mitigation measures once the full detail of the proposal is known.

6.45 One further matter that has been raised is that notwithstanding the proposed physical arrangements for the new access into the site, there is still a fear that HGV drivers will attempt to use the road network through Curdworth in order to access the site. This may well indeed happen, but it is considered unlikely once the site is fully operational and known to HGV drivers, as well as once the Police begin to direct illegally parked HGV's to this site.

6.46 In summing up on the impacts on the residential amenity of neighbouring property it is concluded that these will be local in scale, but moderate in impact on those properties most immediately affected.

viii) Other matters

6.47 Several of the representations received refer to potential security and anti-social behaviour issues arising in Curdworth as a consequence of the proposal. In this respect Local Plan Policy LP29 (17) requires new development to seek to reduce crime and in particular the threat of terrorism. In respect of the former then this is related to a perception that HGV parking would give rise to opportunities for illegal migrant activity. The fear of crime is a material planning consideration, but the weight given to it on this occasion is limited, because planning conditions can require an On-Site Management Plan which would need to be endorsed by the relevant Security Agencies so as to include physical measures such as CCTV coverage, onsite fencing as well as site operation management. In respect of anti-social behaviour, then it is considered that it is

preferable to concentrate HGV parking on a single site so as to reduce the opportunity for such behaviour, particularly because of on-site surveillance which is not available at ad-hoc road-side parking locations. It also gives the security services a significant benefit in having the provision of an alternative “controlled” site when they have to address illegal parking elsewhere.

6.48 It is noteworthy that neither of the Agencies responsible for the electricity and gas utilities that cross the site object to the proposals.

d) The Harm Side of the Final Planning Balance

6.49 The cumulative harm on this side of the final planning balance therefore consists of the substantial Green Belt harm, the moderate landscape and visual harm, the moderate harm to residential amenity through adverse lighting impacts and low harm through noise impacts.

7. The Applicant’s Case

7.1 The applicant has put forward a number of considerations which he argues should carry substantial weight in the final planning balance. In essence, the first set of considerations revolve around the national and local need for safe and secure HGV parking provision. The second focus is on the application site itself and a third looks at the weight to be given significance of the Green Belt at this location.

i) National and Local Need

7.2 In respect of the former, then the evidence submitted to show the national picture is up to date and relevant. It is provided to show compliance with both national planning and transport policy. In respect of the former the applicant quotes paragraph 109 of the NPPF whereby “Planning policies and 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”. In respect of the latter, then Department of Transport (“DfT”) Circular 02/2013 says that “the primary function of roadside facilities is to support the safety and welfare of the road user”. Additionally, the DfT’s Strategy for Lorry Parking Provision in England of 2009 says that “lorry parking facilities are a vital service that supports the national and internal road freight operations. Lorry parks help to ensure road safety, preserve local amenity reduce opportunities for crime and address the general needs of HGV driver working conditions.” The applicant’s case is evidenced through the National Survey of Lorry Parking published in 2018. The aim of the survey was to provide information on the current capacity and demand for overnight lorry parking in England. This found that the utilisation of lorry parks in the West Midland was 87%, up 16% compared with 2010. Anything over an 85% use the report concluded is considered to be full, from a practical point of view. The report went further in identifying a number of parking shortage “hotspots”. Not only were shortages more pronounced in these areas, but that the use of lay-bys and illegal on-road parking was causing a number of negative impacts. One of the hotspots identified is “Hams Hall to Dordon (Birch Coppice)”. The application site is located in this hotspot area. Moreover, the report identified a number of locations where logistics activity is heavily concentrated nationally and which are thus considered to be prime locations for such activity. In other words, they will attract larger numbers of HGV movements. The applicants point to recent planning permissions for additional B8 use at Peddimore and in some of the quadrants at Junction 11 of the M42.

The application site is in one such area of concentration – “the Golden Triangle” - between the M1, M6 and M42 Motorways. As such the proposal relates directly to this nationally strategic area.

7.3 The applicant has updated his original supporting documentation on the national picture. He refers particularly to two documents. The first is the Department of Transport Written Ministerial Statement of late 2021 which says that the infrastructure that supports the haulage industry is “essential to the effective and resilient supply chains we need. This Government is committed to addressing the strategic national need for more lorry parking and better services in lorry parks”. The second is the Department of Transport’s “Future for Freight” report of June 2022. This sets out an objective to review and amend National Planning Practice Guidance to better support freight and logistics as well as to update the 02/2013 Circular in respect of seeking higher standards for roadside facilities on the strategic road network.

7.4 The applicant has backed up this national picture through local evidence. This again is up to date and relevant. In the first instance this takes the form of expressions of public concern through press reports; parish and Borough Council minutes and referrals to local MP’s. Secondly, the applicant commissioned a “parking beat” survey to identify the evidence behind the anecdotal concerns raised through the above channels. This was undertaken in January 2019 between 2000 hours and 0200 hours covering the A5 (around Birch Coppice); the length of the A4097 from Junction 10 on the M42 through Piccadilly, Kingsbury and Marston to Junction 9, the Kingsbury Road from Junction 9 to the A38, Water Orton Lane in Minworth, Marsh Lane in Water Orton and Faraday Avenue at Hams Hall. He argues that notwithstanding existing provision and that which has been approved further afield since the date of submission of his application – see Appendix D - his proposal has the added benefit of securing provision within an identified national “hot-spot”.

7.5 He also refers to Policy LP34 in the North Warwickshire Local Plan 2021. In respect of lorry parking this says that “in recognition of the Borough’s strategic location and demand for lorry parking, the Council will give weight to lorry parking provision and facilities”.

7.6 The applicant also draws attention to the legislation governing HGV driver hours in that they are required to take a break every 4.5 hours. He points out that the Golden Triangle is within this driving time from the main ports and the main urban areas of the country.

7.7 With this background the applicant draws attention to the benefits of a secure managed HGV parking area. In particular reference is made to the National Vehicle Crime Intelligence Service (NaVCIS) report of 2018 which summarises the position. “In 2018, nearly 1300 theft incidents occurred on highways or roadways in the country. Thieves generally target these systems due to the lack of secure parking on these routes as cargo truck drivers frequently utilise off-road laybys or motorway rest areas, that often lack substantial security measures, for overnight rest”. It notes that the M6 is a notable route of concern. The report also concluded that less secure locations were used because they are close to the Strategic Road Network, along delivery routes and because this is more convenient than finding secure parking locations. The applicant concludes that a managed facility would incentivise drivers to use their “sleeper cab” allowance to park at such facilities thus reducing the risk of crime and the problems

associated with “fly parking” in inappropriate locations. The Police too would be better able to direct drivers to appropriate secure locations.

7.8 It is considered that the matters raised here by the applicant should carry substantial weight.

ii) The Application Site

7.9 In order to give weight to the selection of this particular site the applicant has undertaken an analysis of alternative sites – 23 in all, including the application site. Apart from one, these are within the identified “hotspot”, so as to align with the national evidence. This also means that both Green Belt and non-Green Belt locations were included. The sites were “filtered” using recognised planning and highway criteria with the application site being found to be the most suitable - good access to the Strategic Highway Network; traffic routes avoiding residential areas, of sufficient size to address issues, limited landscape and visual harm with no other significant adverse impacts. The application site thus “survived” this filtering, with only the Green Belt designation counting against it. The applicant also points out that the site has a significant added advantage, in that it is in the area identified by the local “parking beat” survey where there was the greatest concentration of roadside HGV parking. Additionally, the applicant draws attention to there being no appropriate alternative facilities or sites that are committed within the identified “hotspot”. He also adds that there are no sites available within the Hams Hall or Birch Coppice estates. In all of these circumstances, it is acknowledged that the applicant has undertaken an analysis of alternative sites and that this adds weight to his case. However, this does not mean that the site proposal has to be supported. This will be explained below. Also, Members will be aware of an outstanding planning application at Junction 10 of the M42 Motorway for B8 development which includes a 145 space HGV parking area. This will also be considered later in this report.

iii) The Green Belt

7.10 The applicant, in identifying the Green Belt as the single negative factor in respect of the application site, draws attention to the assessment to be made by the Board in addressing the final planning balance. In this regard the applicant submits that the portion of the Green Belt involved here is one of the “least performing” areas when judged against the purposes of including land within the Green Belt. In order to evidence this conclusion, he refers to the “Coventry and Warwickshire Joint Green Belt Study of 2016” jointly commissioned by those Warwickshire Districts that contain Green Belt. The application site is contained within a parcel of land which is then assessed against the five purposes. The parcel – known as CH9 – together with the assessment is illustrated at Appendix K. This results in a “mid-performing” parcel. The applicant suggests that this might lessen the weight that could be given to any Green Belt harm. This is not agreed. The NPPF does not differentiate between “types” of Green Belt, and it is also considered that a decision on whether a parcel of land is “mid-performing” or not, is going to be a matter of judgement in the assessment of the final planning balance of this particular case and should not be pre-empted. As a consequence, the weight to be given to the appellant’s assessment of the site’s performance in fulfilling its Green Belt purposes is considered to be moderate.

7.11 In all of these circumstances it is considered that the matters raised here by the applicant should carry only moderate weight.

iv) The Applicant's Side of the Final Planning Balance

7.12 As a consequence, it is therefore considered that the applicant's case in respect of the national and local need for the development should carry substantial weight, but that the merits of the application site in fulfilling that need should carry only moderate weight.

8. The Final Planning Balance

8.1 The Board now has to assess the final planning balance and consider whether the applicant's case "clearly" outweighs the cumulative level of identified harm found, in order to amount to the very special circumstances to support the development. At first reading, the conclusions in paragraph 7.12 above do not appear to clearly outweigh the overall level of harm set out in section 6.49. There is substantial and moderate harm on one side of the balance and substantial and moderate support on the other side. This suggests that there is a fine balance here – not a clear imbalance. It is therefore proposed to further examine the applicant's case in order to see if there is that clear difference between the two sides. Secondly, it is necessary to revisit the "alternative" sites matter.

i) Green Belt

8.2 The first area to look at more deeply is the actual level of Green Belt harm. This was found to be substantial – paragraph 6.13 above. The applicant suggests that this should be less, given the conclusion of the assessment on parcel CH9 as described above – paragraph 7.10. One of the key attributes of the Green Belt is its openness. The assessment above examines the four matters set out in the NPPG in this regard – paragraph 6.5. This concluded that the proposal would not preserve openness. One of the key components of that conclusion was that the proposal would fragment and indeed "split" the already narrow corridor of open land between Curdworth and Hams Hall running south from Junction 9 to Coleshill. Such a conclusion feeds into looking at the purposes of including land within the Green Belt. The corridor is important in retaining open land between two large built up areas – Hams Hall and eastern Birmingham. This corridor has not yet been compromised by new built development and if approved would enable a ribbon of development to run from Hams Hall through to Curdworth. This would be between the M42 and the line of HS2. The openness of this corridor too is important in assisting the safeguarding of the countryside as the majority of the land within this area is open agricultural land. The analysis of CH9 supports these conclusions – "the majority of the land within the parcel is open agricultural fields free from development"; "the development of all of the countryside between them would give the appearance of merging at the landscape scale" in referring to neighbouring settlements, and "further development within the parcel would represent a breach of this defensible boundary and would constitute encroachment of the countryside within the parcel" in referring to the existing railway cutting to the west of Hams Hall. Additionally, the spatial and visual impact of the HS2 construction in this corridor of Green Belt is substantial. It divides and fragments open land and it narrows the surviving gap.

8.3 It is for these reasons that it is considered that retaining land in the Green Belt here is essential to meeting the strategic purposes of including land in the Green Belt and its essential characteristics of openness and permanence, as set out in the NPPF. This is particularly so for two reasons. Firstly, this proposal would add to the cumulative impact of development in this area which would weaken the strategic purpose of the Green Belt. Secondly, the NPPF states that Green Belt is never out of date – footnote 7 to paragraph 11(d) – being a “protected” area. There will be substantial harm to the Green Belt in this case.

ii) Alternative Sites

8.4 As dealt with earlier, Members are aware of one of the NPPF exceptions to new development being inappropriate development in the Green Belt - namely if it is for local transport infrastructure. That exception refers to such infrastructure “which can demonstrate a requirement for a Green Belt location”. However, this exception is conditional as explained in paragraph 6.11. Paragraphs 6.5 and 6.7 concluded that the conditions are not satisfied. As a consequence, the demonstration for a Green Belt location is redundant. This supports the overall conclusion, that this is inappropriate development and that given the conclusion in paragraph 8.3 above, the application should not be supported.

8.5 The objection based on the applicant’s exclusion of consideration of an alternative non-Green Belt site in his exploration of alternative sites is acknowledged. However, because of the conclusion reached above, it does not carry significant weight in the final planning balance of this planning determination – the substantial harm caused by the proposal to the openness of the Green Belt and its conflict with the purposes of including land within it, effectively means that the assessment of alternative sites as a material planning consideration carries little weight.

8.6 However, the Board is reminded that the current planning application at Marsh Lane is to be determined on its own merits. The outstanding application at Junction 10 will also be determined on its own merits. Members will be aware that that application is primarily for a B8 development and is thus not a direct comparison with the Marsh Lane case. An assessment of its merits will thus include consideration of different development plan policies as well as different spatial planning policy considerations. That consideration will address the need for HGV provision given the inclusion of an HGV park in that application. As such, the determination of the Marsh Lane application, whether for support or otherwise, will not predicate a determination of the Junction 10 site. It will be a material planning consideration in the Junction 10 determination and the Board will have to assess the weight that is to given to it, at that time.

iii) Conclusion

8.7 The initial assessment of the final planning balance in paragraph 8.1 above suggested that the applicant’s considerations would not “clearly” outweigh the harms here – the assessment being finely balanced. That has been re-enforced by the two matters looked at in paragraphs 8.3 and 8.4. As identified above, the NPPF includes a footnote which says in effect that the Green Belt is never out of date and that it is one of a very few identified “protected areas” which can lead to a refusal even although a proposal might be considered to be sustainable development. Here, the greater public interest from a North Warwickshire planning perspective is the protection of remaining

Green Belt land. As such it is concluded in the final planning balance that the applicant's arguments do not clearly outweigh the harms caused and thus do not amount to the very special circumstances to warrant supporting the application.

Recommendation

That planning permission be **REFUSED** for the following reason.

"1. The site is in the Green Belt and it is considered that the proposal amounts to inappropriate development. It is not considered that the cumulative Green Belt and other harms caused are clearly outweighed by the planning considerations advanced by the applicant. The proposal therefore does not accord with Policies LP1, LP3, LP14, LP29(9) and LP30 of the North Warwickshire Local Plan 2021 as supported by Sections 12 and 13 of the National Planning Policy Framework 2021.

The proposed change of use and the provision of transport infrastructure would not preserve the openness of the Green Belt and conflict with the purposes of including land within it. Substantial weight is given to this Green Belt harm. In particular there would be significant spatial and visual harm together with harm caused by twenty-four hour activity and the permanence of the development. The proposal would conflict the purposes of the Green Belt including safeguarding the countryside from encroachment, restricting sprawl and preventing the merger of towns. Additionally, there would moderate landscape and visual harm, moderate harm to residential amenity from lighting impacts and limited harm from noise impacts.

It is acknowledged that the proposal carries substantial weight in meeting national and local HGV needs and that it thus accords with Local Plan Policy LP34 and paragraph 109 of the NPPF.

As such, the Council considers that there is a fine balance here. However, the applicant's planning considerations do not clearly outweigh the cumulative harms caused. The overriding reason is the resultant fragmentation of the Green Belt within a remaining open corridor which fulfils a number of the purposes of including land within it."

PAP/2020/0295

Marsh Lane, Curdworth

Site Visit --- Saturday 29th October 2022 at 1030

Present: Councillors Dirveiks, D Humphreys, Phillips, Reilly, Rose and Simpson together with J Brown

1. Members met at the access gates into the two fields that make up the site at the eastern end of Marsh Lane.
2. They saw the general lie of the land in respect of both parcels – to the south and north of the Lane - including levels, slopes and boundary treatment. The overhead line was noted.
3. Members viewed the plans and noted the line of the Motorway, the Hams Hall Estate, the A446 and the line of HS2.
4. Nearby residential properties were noted.
5. The visit concluded at around 1045

(4) Application No: PAP/2020/0295

Land West Of Hams Hall Roundabout and south of, Marsh Lane, Curdworth,

Outline application for an overnight truck shop comprising 200 HGV spaces and associated facilities including fuel refuelling station, amenities building, electric vehicle charging points, staff and other car parking, and landscaping. Including details of vehicular access from Marsh Lane, all other matters reserved, for

Caesarea Development Holdings Limited

Introduction

This report introduces Members to this recently submitted planning application. It will describe the proposal as well as outline the relevant planning policies of the Development Plan applicable to its determination along with other material planning considerations. A full determination report will follow at a later date and that will update the Board on the consultations responses that are received.

The Sit

This comprises two rectangular parcels of land – one to the north of and the other to the south of Marsh Lane in Curdworth. They both are situated on the west side of the A446 at the Hams Hall round about junction of that road with Marsh Lane. The parcel on the north side extends all the way westwards to the M6 Motorway cutting, whereas that to the south whilst fronting the A446, only extends partly to the Motorway, excluding Spring Farm to the west. Together the parcels amount to just over 9 hectares in area – about two-thirds being on the north side of Marsh Lane.

The general location is illustrated at Appendix A.

The two parcels are agricultural fields with hedgerow boundaries together with sporadic trees. The northern parcel does have a slope from north to south whereas the southern one is largely flat. The southern field contains a pylon in its northwest corner which supports a high voltage wire which crosses the south-east corner of the northern parcel of land.

The village of Curdworth is on the other side of the M6 Motorway being around 400 metres from the western most boundary of the site. Croft Cottage is to the south of Marsh Lane on the village side of the motorway some 100 metres from the site boundary.

To the east of the Hams Hall round-about is the Hams Hall Distribution and Manufacturing Park some 600 metres from the site. On the eastern side of the A446, north of the roundabout there is a cottage fronting that carriageway and a materials recycling site further to the north. Junction 9 of the M6 and M6 Toll is 600 metres to the north.

There are no public footpaths affecting either parcel of land but there is one – the M21 – on the west side of the Motorway which runs north/south between the Motorway and the village.

The line of HS2 passes to the east crossing the road access to the Hams Hall estate some 500 metres to the east.

The Proposals

The development as described in the header to this report is wholly confined to the northern of the two parcels of land described above. This is an outline application with only details of the access into this northern parcel included. All other matters such as the layout and the appearance of the HGV parking area would be reserved for later approval. The whole of the southern parcel would become a bio-diversity enhancement area with new woodland planting together with conservation grassland and no built development proposed.

The applicant has provided a summary and this is attached at Appendix B.

A purely illustrative indication of the possible layout of the HGV parking area is attached for information at Appendix C and a more detailed plan of the Marsh Lane access is at Appendix D. This shows the nature of the engineering solution here to prevent HGV egress from the site into Curdworth as well as changes to the Hams Hall roundabout into Marsh Lane. A couple of cross sections have been submitted and these are at Appendix E.

A number of supporting documents accompany the application.

A Planning Statement sets out the background evidence to support the “need” for the proposals as well as setting out the applicant’s assessment of these against relevant Development Plan policy.

The applicant’s case is set out at Appendix F. In short it sets out the national picture in respect of HGV parking which prompted a Government response with the very recent HGV parking survey and the consequential Ministerial Statement – referred to below. These highlight seven particular problem areas in the country. The only one in the West Midlands is the “Hams Hall to Dordon (around Birch Coppice)” area. The applicant has undertaken a survey of lorry parking in this general area in order to better understand the local situation. This describes the existing situation locally in and reports on those local issues and problems being caused by HGV parking. He then outlines the benefits associated with having a secure HGV parking area. He concludes by outlining the process he has followed in selecting this particular site. Appendix H deals with the issue of the site not being at Hams Hall.

An Archaeological Assessment based on a desk top study of the Historic Records for the area and an on-site geo-physical survey concludes that the site has negligible to low archaeological interest.

An Ecological Appraisal describes the sites as being dominated by arable land with poor semi-improved grassland and scrub at the margins which are all of low to medium-low ecological value. The boundary hedgerows and trees would largely be retained and these can be enhanced by perimeter landscaping. The proposals to enhance the southern parcel as wholly a wild ecological area would provide a net gain in bio-diversity overall. Low levels of bat activity were recorded but effective mitigation and lighting controls

should minimise the risk of adverse impacts. No other protected or notable species would cause a statutory constraint on the proposed development.

A Landscape and Visual Impact Appraisal describes the two parts of the site as being strongly influenced by large scale transport infrastructure and nearby industrial development and features (overhead lines, pylons and the Minworth STW works). Overall the Appraisal concludes that in this setting, the development would have very limited and localised landscape effects. Visually the sites are considered to be well contained due to a combination of the surrounding topography, motorway infrastructure and trees. Curdworth is said to be visually separated and effectively concealed from the site by intervening higher ground. Views are therefore limited to the immediate surrounding roads. The development would result in very limited and localised visual effects for a small number of receptors and thus would not impact beyond a small surrounding area. The Appraisal also looks at Green Belts issues, concluding that the surrounding urbanising influences lessen the contribution of the site in terms of its role as countryside and towards openness. It therefore is a "low –performing" site in terms of its contribution to the Green Belt and as such, the development would not prejudice the overall purposes of the Green Belt.

A Noise Impact Assessment concludes that there would be no change in overall road traffic noise as a result of the development; that day time background noise levels would not be exceeded and that during night the expected levels would still be below background levels.

An Air Quality Assessment, including dust impacts concludes that the proposed development would have a negligible impact on nearby receptors and thus would comply with air quality guidance.

A Lighting Report concludes that there would be no significant adverse effects due to the surrounding light levels and because the lighting on site can be designed so as to reduce its impact on nearby receptors.

A Flood Risk Assessment concentrates on the northern parcel of land. That is within Flood Zone 1 which is classified as "less vulnerable" in terms of the probability of fluvial flooding. It also is shown as being at very low risk of surface water flooding. SUDS features on site would attenuate flows arising from the development through geo-cellular storage tanks prior to discharge into the highway sewers or to be pumped to a STW public sewer 800 metres to the south-east of the site. Foul water would discharge via a pump and rising main to the STW foul sewer 550 metres to the north-west.

A Transport Assessment repeats the case made in the Planning Statement in respect of the evidence to support the "need" for the proposal. It does however also assess the highways impacts arising from the proposals. In this respect it looks at the capacity of the off-site junctions; the design of the access arrangements into the site, alterations to the Marsh Lane "limb" of the Hams Hall roundabout and mitigation measures to restrict access through Curdworth west of the site. Appendix G is a summary taken from that appraisal.

A Statement of Community Involvement outlines the arrangements undertaken by the applicant in consulting the local community prior to the submission of the application. It describes a meeting between the applicant and the Parish Council and subsequent actions – 560 letters circulated to local residents; a dedicated project website, letters to

community representatives including the MP, a dedicated information telephone line and online advertising through social media. There was a high rate of feedback with 280 comments and enquiries received. It is said that 40% of respondents agreed that there is a local HGV parking shortage and had noticed on-street parking in the area. However the Statement concludes that the overall response was mixed with the majority of negative replies concentrated at addresses in Curdworth and Water Orton – half of which asked for the HGV parking area to be at Hams Hall. The other main concerns were local highway impact and Green Belt intrusion. The applicant's response to these matters is at Appendix H.

A Design and Access Statement describes the background to the production of the illustrative layout at Appendix C.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW16 (Green Infrastructure) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (trees and Hedgerows); ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations) and TPT3 (Access and Sustainable Travel)

Other Material Planning Considerations

The Submitted Local Plan 2018 – LP1 (Quality of Development); LP3 (Green Belt), LP15 (Historic Environment), LP16 (Natural Environment), LP25 (Transport Assessment), LP31 (Development Considerations) and LP32 (Built Form)

The National Planning Policy Framework – (the "NPPF")

National Planning Practice Guidance

Department of Transport Circular 02/2013

National Survey of Lorry Parking 2018

Strategy for Lorry Parking in England 2009

Written Ministerial Statement 2018 – National Survey of Lorry Parking

Observations

As can be seen, the site is in the Green Belt and thus Members will first need to conclude whether the proposal is appropriate or not appropriate development according to the definitions set out in the National Planning Policy Framework. If it is found to be appropriate development, the Board will nevertheless still need to establish if there is any significant demonstrable harm arising from the proposals. If it is found to be inappropriate development, then in addition to looking at other harms that might arise, the Board will need to address the material planning considerations put forward by the applicant to see if they clearly outweigh the cumulative harms caused such to amount to the "very special circumstances" needed to support the application.

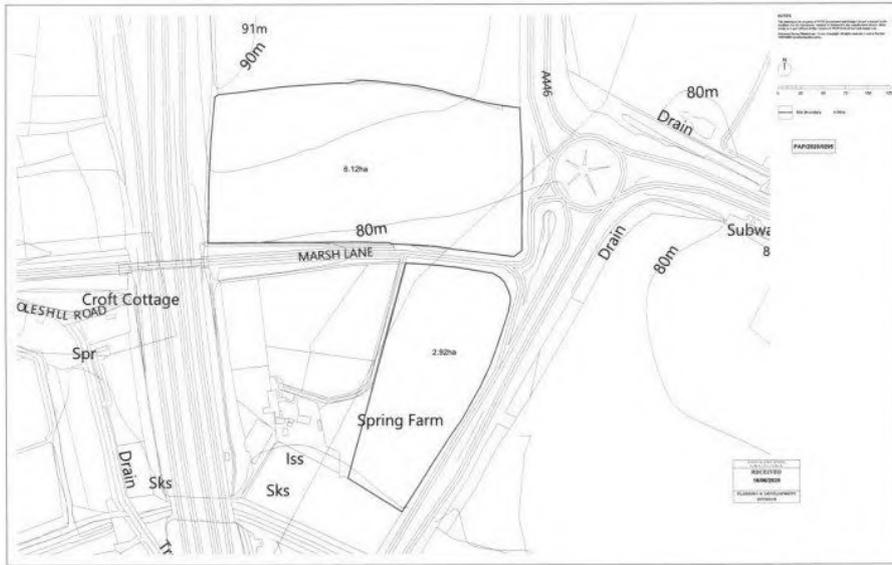
A number of potential impacts will need to be assessed to establish whether significant demonstrable harm is likely to be caused and consultation responses from the relevant Agencies will help guide any conclusions here.

Members may wish to visit the site and this can easily be achieved as both parcels of land are visible and accessible from Marsh Lane using the gated access "pull-ins".

Given the current restrictions, a formal site visit is not recommended.

Recommendation

That the report be noted and that Board Members are requested to visit the site.



Calcena Development Holdings Ltd
Proposed Truckstop Development
Land off Marsh Lane, Hems Hall

SITE BOUNDARY PLAN

1:1000 @ A1
11 June 2020 08:17 AM
6943-L-20

fpc

3.0 THE PROPOSED DEVELOPMENT

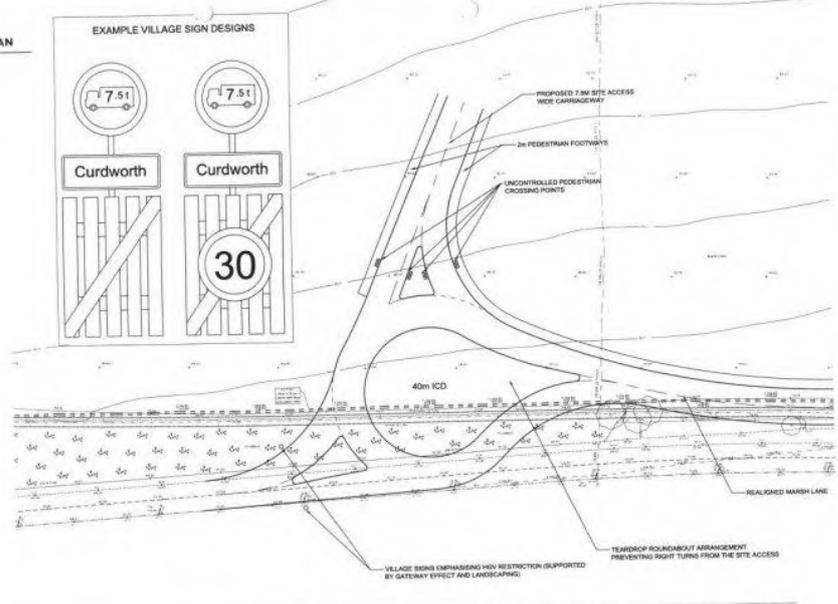
3.1 The description of development is as follows:

“Outline application for an overnight truckstop comprising 200 HGV spaces and associated facilities including fuel refuelling station, amenities building, electric vehicle charging points, staff and other car parking, and landscaping. Including details of vehicular access from Marsh Lane, all other matters reserved”

- 3.2 As set out above, the application seeks planning permission for an overnight truckstop, providing 200 spaces for HGV's, as well as associated facilities for the drivers including a wash area, toilets and café (A3), retail (A1) and fuel-filling station, as well as landscaping. The site would be served off a new vehicular access from Marsh Lane, together with substantial improvement work on the A446 and at Hams Hall Roundabout.
- 3.3 The application seeks to deliver a high-quality development which will help meet the HGV parking needs in the area and associated facilities for the drivers. The site is in an accessible location that is well connected to the strategic road network, at Junction 9 of the M42. Drivers accessing the site would not have to pass through a residential area to reach the site, and the facilities are designed to meet the needs of HGV drivers as opposed to those of the wider travelling public, including secure HGV parking in a managed environment.
- 3.4 The form of the proposed development has evolved having regard to the character of the site and surrounding area, and the physical characteristics and opportunities of the site. Albeit in outline, certain principles are proposed now which can and should provide a framework for detailed reserved matters in due course.
- 3.5 Details of the approach to the development proposal are set out in the Illustrative Layout Plan.
- 3.6 It should also be noted that if Outline planning permission is granted, then we expect the local authority to impose a suitably worded pre-occupation Condition stipulating that a detailed management plan is submitted and approved to the satisfaction of the Council. The management plan is part of the mitigation to help monitor and control and local issues and impacts. It will incorporate, but not limited to, the following matters:
- Parking management and access
 - Security and safety
 - Maintenance and cleaning/litter
 - Liaison with Police and local authority
 - Monitoring



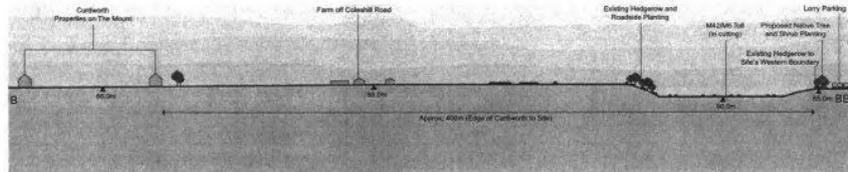
ACCESS PLAN



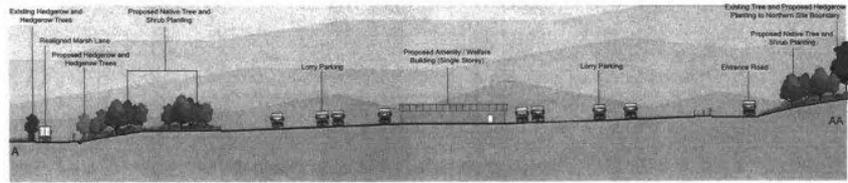
LANDSCAPE SECTIONS



Landscape Section Location Plan



Note: Levels are approximate and based upon Ordnance Survey data



32 PROPOSED TRUCKSTOP DEVELOPMENT / LAND OFF 1ST QUASH LANE, HAMS HALL / DESIGN & ACCESS STATEMENT

5.0 APPRAISAL OF THE APPLICATION

- 5.1 The planning application is made in response to the national and local shortage of HGV parking spaces and facilities, and the issues associated with 'fly-parking' in the area surrounding the application site.
- 5.2 As referred to above, and as described further below, the proposals accord with, and would enable delivery of, key objectives of both local and national planning policies.
- 5.3 Therefore, both a national (strategic) and local context exists for the proposed development rooted in the recognised importance and strong representation of the logistics and distribution sector in this part of the Midlands. The proposals therefore find support in a range of local and national policies.
- 5.4 The NPPF (paragraph 107) states:
"Planning policies and 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. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use."
- 5.5 This section assesses the proposal in the context of the National Survey of Lorry Parking 2017, the policies of the NPPF as a whole, and the North Warwickshire Core Strategy and the emerging North Warwickshire Local Plan, and demonstrates how it meets the standards and policy requirements. An assessment is also provided below of how there are 'very special circumstances' to justify development not usually permitted in the Green Belt.

Problems Associated with the Lack of Proper Facilities and Spaces

- 5.6 The issue of HGV parking in the area surrounding the site has been reported a number of times in the local press and council reports which illustrate the problems associated the lack of HGV parking spaces and the nuisance it creates. Full extracts from these reports can be found in the submitted Transport Assessment.
- 5.7 As referred to in Section 4 of this Planning Statement, the National Survey of Lorry Parking 2017 report identified a number of parking shortage 'hotspots' where stakeholders to the study felt that the shortage of lorry parking facilities is the most pronounced. The report also explains that in these areas lay-bys are being closed due to repeated problems with the negative aspects of overnight lorry parking e.g. litter, anti-social behaviour, prostitution and

crime. Seven hotspots are identified across England. The site falls within the 'Hams Hall to Dordon (around Birch Coppice)' 'hotspot'.

- 5.8 The issues created because of a lack of proper HGV parking facilities which leads to improper 'off-site' or 'fly-parking' has been repeatedly reported on local press publications and Council reports. An anonymous post (the full extract can be found in Appendix 2) on the website Fix my Street from November 2016 stated that:

"Since the ramp-up of local logistics companies and factories on the Hams Hall estate, plus the word-of-mouth communication amongst HGV drivers, the main dual carriage way has become a permanent HGV park and overnight stop over, the grass verge a mud bath, the pavements a refuse dump and the nearby bushes an open Toilet for all drivers. (I have seen quite a few with their trousers down!) 3 Years ago these roads were clear"

- 5.9 The article entitled 'MEP & MP Meet Over Lorry Parking Problems Near Hams Hall' (the full extract can be found in Appendix 3), describes how Member of Parliament (MP) Daniel Dalton met with North Warwickshire MP, Craig Tracey to discuss concerns about HGV's being parked overnight on roads near Hams Hall. The article claims there are over 100 trailers parked on the roads in industrial estates in and around Hams Hall. Daniel Dalton was quoted saying:

"There are serious safety concerns for local drivers with reported incidents of anti-social behaviour and close near-miss accidents at night."

- 5.10 The minutes of the Curdworth Parish Council held on the 11th July 2016 describes the situation round Hams Hall related to HGV parking in the area:

"5. HGV and vehicular movements. You are hopefully aware that WCC, together with NWBC, Lea Marston parish Council, Warwickshire Police, Eon, Sainsbury's and BMW are actively engaged in joint works under the name of the Hams Hall Bid Group to try and mitigate the impact of HGV parking and movements both on and off site that arise from business processes on the Hams Hall site. We are therefore keen to ensure that all of the proposed 35 HGV movements to and from the gasification site and all commuter and visitor traffic movements can be accommodated within the site for which planning application has been applied for. Lea Marston Parish Council shares the view of the Bid Group partners that the public spaces on the Hams Hall site are now saturated with vehicle parking and that this not only results in danger to road users within the site but also results in anti-social behaviour from those drivers who park up on the site and urinate and excrete in the roadside vegetation, litter, and cause damage to all grass verges around the site therefore making it visually unattractive. We do not expect the applicant to solve current problems, rather we seek a binding assurance that this application will not add to them and that all

road traffic arising from the operation and employment of the site can be contained within the development."

- 5.11 The press article entitled 'Problem Parking?' was posted in the Coleshill Post on the 2nd May 2017. The article describes the growth of HGV parking on local laybys and roadsides, the problem is especially noted along the A4097 in Curdworth, on Hams Hall and the A446.
- 5.12 The nearest alternative HGV parking facilities to the site are as follows:

Tamworth MSA – 12.1km

Lincoln Farm Truckstop – 14km

Corley South – 25.9km

PJM Lorry Park – 30.3km

- 5.13 North Warwickshire and the associated road network has only two truckstop facilities (Corley services and Tamworth MSA) within its administrative area, and there is only three within reasonable travel distance (30 minutes) from the site. Considering the largely industrial nature of the sites surrounding area with Hams Hall distribution park and Birch coppice industrial estates within close proximity and that two of the three sites within the 30 minute travel distance are considered full, the provision of HGV parking facilities is considered to be insufficient, particularly given the findings of a parking beat survey (this survey is described in more detail later on), which noted extensive HGV parking at the kerbside.
- 5.14 The applicant has discussed the proposals and context with the LPA, and these have focused on two main issues. Firstly, that the problems regarding a lack of HGV parking and facilities in the area are worsening. The Council confirmed that it is increasingly aware of this issue and the number of residents who have contacted the Council and ward members complaining about the issues has notably grown with time. The Council also noted that recent employment sites with planning permissions at Peddimore in Birmingham City (approved in August 2019) and at Hinckley Park in Hinckley and Bosworth (approved in March 2018) will create additional need for HGV in the wider area and exacerbate the current issue locally between Hams Hall and Birch Coppice. Secondly, the Council regard the most affected area to be the immediate area around Hams Hall Distribution Park, this is where the need for additional HGV spaces is most pronounced. Survey work (as described in full in the submitted Transport Assessment) reaffirms this position revealing that the situation regarding a shortage of HGV parking was worst around Hams Hall at the time of the survey

with 50 lorries parked inappropriately. This is consistent with the national 'hotspot' designation, and the application site is in the immediate area to Hams Hall.

Demonstrable Need for Additional HGV Spaces

- 5.15 There is a clear need for additional HGV spaces in the area and the National Survey of lorry Parking 2017 report confirms this is the case, identifying the area in which the application site sites as a parking shortage 'hotspot'.
- 5.16 ADC Transport Infrastructure consultants were commissioned to undertake a parking beat survey to identify the excess parking demand in the surrounding area of the site in 2019. To establish a suitable route for the survey, a search was undertaken for anecdotal problems of HGV parking. The survey route can be seen in full in Figure 4 of the submitted Highway's Appraisal. The results of the survey revealed that even though parking levels remained fairly constant, a total of 84 to 89 vehicles were parked throughout the survey period. All of the vehicles recorded were parked either on the carriageway or within adjoining lay-bys.
- 5.17 It should also be noted that it is unclear how many drivers beyond the identified 89 HGV drivers that are parked in off-site locations identified in the parking beat survey extend their journey to find the next available on-site facility or off-site parking.
- 5.18 Schedule 1 of the Department for Transport's Circular (DfT Circular 02/2013) outlines the parking requirements at motorway truckstops. The guidance in the document stipulates that the parking requirements for a motorway truckstop are the same as the HGV requirement for a motorway service area. The methodology to calculating the number of parking spaces required for HGV's is based on traffic flow data. This calculation is 0.5% of the total of the HGV and coach traffic flow (Vehicles per day) on the relevant part of the Strategic Road Network.
- 5.19 Using the DfT's methodology, the traffic flow (vehicles per day) on the relevant roads (M42, M6 Toll & A446) to the application site, when taking into account traffic growth over the next ten years you arrive at a total of 159 HGV spaces. It was appropriate in this instance to factor in future traffic growth because the truckstop is likely to be operational for a period of longer than ten years and therefore it is necessary to use future traffic growth to forecast future demand for HGV spaces in line with Schedule 1 of the DfT's methodology as described above. There is National Policy support for this approach; paragraph 107 of the NPPF states that: *"Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use"*.
- 5.20 This application proposes 200 HGV spaces and this number of spaces can be fully justified when combining the parking requirement for HGV's using the DfT's methodology of 159

spaces with the 89 HGV's that were found to be parked inappropriately in the parking beat survey the total of HGV spaces needed comes to 248.

- 5.21 The National Survey of Lorry Parking 2017 report looked at the capacity of on-site lorry parking facilities in England. The capacity of each region in England was measured against the utilisation rate. The utilisation of on-site lorry parking facilities compares the number of vehicles parked against current capacity - it is a useful indicator for areas where capacity is struggling to meet demand.
- 5.22 The utilisation of the West Midlands was recorded at 87%, up 16% compared with the situation in 2010. The report explains where utilisation is 85% or above it is difficult for drivers to find parking spaces due to the size of vehicles and the way they are positioned, hence at this point the lorry park is considered to be full in a practical sense. The West Midlands has the second worst utilisation rate in England, second only to the East of England. High utilisation leads to issues such as inappropriate parking, which generates safety concerns for other road users and pedestrians having to navigate around large vehicles parked inappropriately obstructing their view of the road. The Curdworth Parish Council minutes from January 2016 (extract in Appendix 5) express concern over this precise issue, describing how there is the necessity for pedestrians to walk in the road because of HGV's parking on the footpath putting them at danger to possible oncoming traffic.
- 5.23 The data from the National Survey of Lorry Parking 2017 report implies that drivers across the West Midlands are attempting to take a break at on-site lorry parking facilities and are potentially being forced to drive illegally to the next on-site facility because of capacity issues. Furthermore, there is a lack of alternative HGV parking facilities within a reasonable distance from the site. This creates a highway safety issue in its own right when drivers are not in a position to take the required break time between driving due to a lack of facilities. This proposal seeks to address this issue and accords with the principles of the footnote to paragraph 104 e) of the NPPF by providing an additional 200 spaces for HGV's in a region where lorry parks are considered to be full and there is an evidenced need for additional spaces.
- 5.24 The National Survey of Lorry Parking 2017 report explains that the purpose of lay-bys should be limited to short breaks and emergency stops and overnight parking in industrial estates is inappropriate. Thus, the ideal is for all overnight lorry parking to be contained within appropriate onsite facilities. The parking beat survey revealed that lay-bys are being used for long stops and industrial estates are being used for overnight parking in the area immediately surrounding the site. This proposal seeks to deliver the necessary onsite facilities, reducing the amount of off-site parking which has been identified in the area.

Benefits of Providing a Secure Managed Facility

- 5.25 This statement and other information submitted as part of the application demonstrates that there is a need for additional HGV parking both nationally and locally and highlighted the problems associated with the lack of HGV parking in the area. This section outlines how providing a secure managed facility that provides HGV parking does alleviate the problems identified, offering a number of benefits to both the HGV drivers and the local area.
- 5.26 This is an outline application so precise details of how the facility will be managed and the how the facility will be secured will come forward during the detailed planning stage and subsequent reserved matters applications, in which a management plan for the site will be produced. However, the site would be managed and built securely, to reduce the possibility of crime onsite and provide a properly run facility that draws in drivers who would otherwise are likely to park inappropriately in surrounding lay-bys and carriageways.
- 5.27 As explained previously in this statement HGV's 'fly-parked' in inappropriate locations cause a variety of problems such as anti-social disorder. Having a managed facility close to the source of the 'fly-parking', which in this case is Hams Hall Distribution Park and Birch Coppice Industrial Estate, provides not just the opportunity for drivers to park in a secure facility, it also provides the police more power to move vehicles on that are parked inappropriately.
- 5.28 This position was confirmed in October 2019 by the Designing Out Crime Officer at Warwickshire Police (by email) who explained that the police in Warwickshire are starting to issue 'graduated tickets', which are fines to be paid immediately which target foreign drivers who often park inappropriately often for days in the same location and leave the country before typical fines are paid. The email also confirms that if there is a managed facility nearby this increases the power of the police to issue graduated tickets and move vehicles on more effectively.
- 5.29 The BSI and the National Vehicle Crime Intelligence Service (NaVCIS) published the 'Cargo Theft Annual Report 2018'⁴ which summarised the position of freight and cargo crime in the UK. The report summarises the position of cargo crime in the UK:
- "In 2018, nearly 1,300 theft incidents occurred on highways or roadways in the country. Thieves generally target these systems due to the lack of secure parking on these routes, as cargo truck drivers frequently utilize off-road laybys or motorway rest areas, that oftentimes lack substantial security measures, for overnight rest."*

⁴ BSI and the National Vehicle Crime Intelligence Service (NaVCIS) – SCREEN United Kingdom Cargo Theft Annual Report 2018

-
- 5.30 The report notes that cargo truck drivers utilise the less secure locations to park, such as off-road laybys and industrial estates, due to their proximity to roadways along their delivery routes and since it is overall more convenient considering the difficulty of finding secure parking in the United Kingdom.
- 5.31 This is a picture which is reflected around Hams Hall Distribution Park as the parking beat survey recorded a large number of vehicles parked inappropriately in laybys and around Hams Hall. Therefore, these vehicles are vulnerable to thieves who intend on stealing the cargo within the truck and the drivers are at risk of violent crime from the thieves.
- 5.32 One of the ways the report suggests mitigating against the risks of cargo theft is to ensure trucks are utilizing secure overnight parking locations. The report also identifies the M6 motorway as a notable transport route of concern, in which thieves target the cargo in trucks.
- 5.33 The precise details of the price drivers will have to pay to access the site and stay overnight will be included as part of the management plan. However, HGV drivers generally will have the means to pay this expense because of the 'sleeper cab allowance', which is explained below.
- 5.34 The Road Haulage Association agreed the haulage industry scale rate for overnight stays away from home, otherwise known as the 'sleeper cab allowance'. This allowance is £34.90, or 75% of this figure (£26.20) where the driver uses a sleeper cab per night. These are the maximum amounts that can be paid free of Income Tax and NIC's under the agreed industry scale rate. Lorry drivers are commonly paid the allowance by their employer when away from home on driving duty and can be used to cover the cost of meals, washing facilities etc.
- 5.35 Having a managed facility which provides secure HGV parking incentivizes lorry drivers to use their sleeper cab allowance to park their lorries in such a facility, which reduces the threat of cargo crime and the problems associated with 'fly parking' in inappropriate locations, thus improving the general environment of the area for residents and passers-by. The proposed facility also improves the powers of the Police to move vehicles parked 'inappropriately', which reduces problems locally and ensures the facility is likely to be used for its intended purpose. Therefore, this proposal complies with Policy NW12 of the North Warwickshire Core Strategy, that states that development proposals should be designed to deter crime. It is an additional benefit to HGV drivers to have such a facility with good access to the strategic road network and so near to Hams Hall.

Alternative Sites

- 5.36 In advance of the planning application being prepared and submitted, a sequential approach was undertaken to explore at alternative sites which could feasibly accommodate a truckstop of a comparable size to the one that this application proposes. The search was focused on land within and near to the nationally identified HGV parking shortage "hotspot" of 'Hams Hall to Dordon (Birch Coppice)'. This hotspot is almost entirely located with North Warwickshire's administrative boundary, consequently the majority of the alternative sites assessed are within North Warwickshire. A total of 23 sites (including the application site) were assessed in the assessment. Sites 1-19 fell within North Warwickshire, 20 & 23 are within Birmingham City, 21 is within Solihull Metropolitan Borough Council and 22 is within Tamworth Borough Council.
- 5.37 This assessment considered a range of sites that are both within and outside the Green Belt.
- 5.38 A copy of the table that was produced to show the assessment of all alternative sites, including the application site, can be found in Appendix 7.
- 5.39 Assistance and input were provided by appropriate professionals to grade each of the sites – for example FPCR provided expert input on landscape impact, and ADC Infrastructure provided expert input towards access and highways matters. FPCR and ADC Infrastructure's full reports can be found in Appendix 6.
- 5.40 The results of the assessment concluded that the application site was the most suitable site for a truckstop in North Warwickshire Borough. The site scored highly in each of the separate categories of assessment, its Green Belt designation was the only category which it scored poorly on. Other sites had their individual pros and cons, however none ranked as highly as the application site when taking into account all of the assessment criteria and its full range opportunities and lack of constraints.
- 5.41 There were a number of sites that came close to the application in terms of their suitability for a truckstop, however none scored as highly as the application site in the assessment. A number of sites were well located to the SRN and Junction 9 of the M42, but some of these sites had access issues or were within the 'HS2 Safeguarding Zone'. Safeguarding is an established part of the planning process, designed to ensure that land which has been identified for major infrastructure projects is protected from conflicting developments, in this case it is the proposed development of the HS2 rail line.
- 5.42 Other sites close to Birch Coppice Industrial Estate, although not located within the Green Belt, fall in too close proximity to the residential areas of Dordon and Freasley and they are too close to Tamworth MSA, which already provides HGV parking. A new additional truckstop

in this location would do less to control or meet the excess demand for HGV parking spaces with an existing facility so close, and could also reduce the opportunity for the site to provide a road safety function. This is because Government advise motorists to stop and take a break at least 15 minutes every two hours of driving. Thus, having two sites which offer the facilities for HGV drivers to stop and take a break within a close proximity to each other restricts driver's ability to take the recommended rest time, jeopardising the road safety function of these roadside facilities.

- 5.43 As shown in the appended assessment, other sites scored poorly in terms of their landscape and visual impact, others on their ability to be able to construct a suitable access, others would have negative impacts on the local highway network and others fell outside the area of the parking shortage 'hotspot'.
- 5.44 The assessment found that the application site outperforms other alternatives as a result of being acceptable from a landscape and visual point of view and with no proximity to a residential area where HGV's would not need to pass by residential properties to access the site. The application site is within a mile of the Strategic Road Network (M42 motorway) and there are no other statutory designations or flooding concerns that would restrict the site from development.

EXECUTIVE SUMMARY

In 2018, the Department of Transport published their National Survey of Lorry Parking. The study found that the West Midlands had a critical shortage of lorry parking, and there was greatest demand in the area between Hams Hall (near M42 J9) and Birch Coppice Industrial Estates (near M42 J10). Further survey work by Caesarea Development Holdings confirmed the national findings, and that the problem was worst around Hams Hall.

Caesarea Development Holdings therefore intend to submit a planning application for a proposed truckstop with 200 lorry parking spaces on a site at Marsh Lane to the south of M42 Junction 9. This Transport Assessment has been prepared to support that application.

A truck stop is, by definition, a facility provided for HGVs and therefore drivers. Nevertheless, there are opportunities to access the site by sustainable modes of travel, proportionate to the demand. The development would enhance the local provisions with a new 3m wide footway/cycleway along the site frontage to connect the development to the existing network that starts at the Ham Hall Roundabout.

The proposed development will be accessed from a new 40m diameter three arm roundabout with a teardrop central island to prevent vehicles turning right out of the truckstop and routing through Curdworth. The proposed highway works include the realignment of Marsh Lane to remove the S-shaped bend at its eastern end, thereby improving the road alignment for all users. The current weight restriction on Marsh Lane, which begins at its eastern end, would be altered so that the restriction begins to the west of the access roundabout and is enhanced by a prominent gateway with emphasised signage. The designs of the highway works conform to design standards. They have been informed by traffic counts, speed surveys, and a Stage 1 Road Safety Audit. Modelling of the access roundabout demonstrates it would have adequate capacity with minimal queuing. Hence, the proposed roundabout would be a safe and suitable means of accessing the development.

The amount of traffic that would be generated by the development was determined from a traffic count at the Lilbourne truck stop. That truck stop is operated by Eddie Stobart, and is on the A5, close to the M1, M6, M45 and A14. The Hams Hall truck stop would generate 133 and 170 traffic movements in a morning (8-9am) and evening (5-6pm) peak hour respectively.

Warwickshire County Council's M42 J9/A446 Coleshill Model was used to test the impact of this development traffic on the local highway network. The model assesses two future year scenarios, 2021 and 2031. Both assessment years contain the committed development, background growth, and committed infrastructure associated with these years, including improvements to M42 J9.

It must be recognised that the traffic using the truck stop is already on the highway network, it is just diverted from its original routing. The traffic impact is therefore local to the truck stop, along the diversion routes. The impact would be felt most at the Hams Hall Roundabout (A446 Lichfield Road/Faraday Avenue/Marsh Lane) and at M42 J9. At both junctions there would be small changes in the queuing and the development would not have a severe impact. Mitigation is not necessary. On the Strategic Road Network the changed routing would create only modest increases in traffic on the slip roads. There would not be an adverse impact on the Strategic Road Network.

Overall, the proposed development would accord with the aims of the NPPF. It would offer adequate overnight lorry parking facilities where there are local shortages, to reduce the risk of parking in locations that lack proper facilities, cause a nuisance, and result in safety problems. There would be opportunities for sustainable travel, proportionate to the modest demand from the small number of staff. Safe and suitable access can be provided for all highway users. The off-site traffic impacts would not be severe and there would be no need for additional mitigation beyond the proposed highway works. Hence the proposed truck stop should not be prevented on highways grounds.

5.0 RESPONSE TO FEEDBACK

The applicant has fully considered all the feedback that has been submitted and the suggestions received have helped to shape the proposals submitted to North Warwickshire Borough Council. The section below explains how the applicant has sought to respond to the main issues and comments that were raised by members of the public and other community stakeholders throughout the consultation period.

Improving enforcement of existing HGV weight restriction through Curdworth

There is currently a weight restriction in place through the whole of Curdworth, between Kingsbury Road and the Hams Hall roundabout. Enforcement of the weight restriction is an issue for the highway authority and the police.

The proposals will seek to improve the degree of compliance with the existing weight restriction by moving the start of the weight restriction to just west of the access roundabout, with new signage made more prominent. There will also be additional signage emphasising the gateway into the village, which will make clear to HGV drivers that it is not permissible to continue through the village. The project team is also in discussion with Warwickshire County Council surrounding the opportunity of reinforced signage at the Kingsbury Road end of the village.

Additionally, the project team's extensive modelling has shown that the development will not add additional HGVs onto the local road network through Curdworth and it is likely that the current amount of HGVs that pass through the village is likely to reduce through the aforementioned improvement works and enforced signage. Further information on this can be found in the accompanying Transport Assessment. Also see below regarding the site access design which will help prevent any additional HGV traffic using the local roads.

Highways and access

Access to the truckstop would be via a new roundabout on Marsh Lane. In order to mitigate highway impacts and in response to the feedback from the consultation, plans have been secured for a roundabout with a teardrop central island. This would prevent all vehicles turning right out of the truck stop, forcing them back to the A446. This would dramatically reduce the potential for traffic to use Curdworth village as a cut-through to the truckstop.

Extensive modelling has also shown that the traffic using the truckstop is already on the road network, but is diverted to use the new facility, as opposed to adding additional vehicles to the local network.

Following on from investigation and consultation, further mitigation options are being explored that focus on M42 J9 and the Hams Hall Roundabout. This includes widening of the Marsh Lane approach to the roundabout, so there are two lanes at the give-way line. Mitigation measures for the M42 J9 are being discussed with Warwickshire County Council. This is likely to include a contribution to highway works already planned at the junction, which aim to accommodate the future traffic levels resulting from growth in the area, including the large Peddimore and Langley developments.

Highways and access arrangements, as well as examinations of road safety and sustainable transport, are considered in the Transport Assessment that accompanies the planning application.

Site relocation to Hams Hall Industrial Estate

As outlined in the Planning Statement, a total of 23 sites (including the application site) were assessed prior to consultation. This involved both a Landscape and Transport Assessment for each site and throughout the process, it was made clear that there is no available land at Hams Hall Distribution Park suitable for the proposals.

Following the consultation, members of the project team discussed the proposals again with the acting agent for EON, (which owns Hams Hall Distribution Park). During discussions, it was reinstated that there is no available land at the Park which would be suitable as a truckstop.

Furthermore, the provision of a truckstop on land at Marsh Lane, near Junction 9 of the M42 will address longstanding issues associated with the lack of HGV parking, including road safety concerns and antisocial activity, resulting from HGVs "fly-parking" along local roads and streets.

Building on the Green Belt

A number of residents commented on the site's location and raised that planning approval could set a precedent for future development within the Green Belt. A sequential approach has been undertaken to look at 23 alternative sites that could feasibly accommodate a truckstop of a comparable size to the one that this application proposes (this is explained in detail within the Planning Statement).

The results of the assessment concluded that no other area identified in North Warwickshire or three other neighbouring Local Authorities could support a comparable facility, providing the amount of HGV spaces required in an appropriate location. It is clear that the site is the closest to the main source of the problem in this national 'hot spot' area.

Against this background, an exploration of the 'very special circumstances' which justifies development in this location has been put forward in support of the proposed truckstop on land at Marsh Lane.

All residents that submitted enquires about the Green Belt nature of the site were informed that further information would be included in the Planning Statement and Landscape and Visual Appraisal (including Green Belt Appraisal), which will accompany the application.

Visual Impact of the Site

In response to comments around shielding Curdworth village from the site, a significant amount of structural landscaping and planting has been incorporated into the proposals. The Design and Access Statement presents the proposals, including details of how the scheme would ensure that the site is effectively screened from the public highway and the village of Curdworth. Given that the site is located in the Green Belt, a "landscape led" approach has been adopted when designing the proposed truckstop which also meet the requirements of a "good design", set out in the NPPF. Further detail can also be found in the accompanying Landscape and Visual Appraisal (including Green Belt Appraisal).



Planning Statement Addendum

Land at Marsh Lane,
Hams Hall

SUBMITTED ON BEHALF OF CAESAREA DEVELOPMENT HOLDINGS LIMITED

October 2022

This page is intentionally left blank

CONTENTS

1. INTRODUCTION
2. RELEVANT PLANNING POLICY AND GUIDANCE
3. APPRAISAL OF THE APPLICATION
4. UPDATED SUMMARY and CONCLUSIONS

APPENDICIES

Appendix One: Support letter from Cushman & Wakefield, September 2020

Appendix Two: Hams Hall Photographs

1.0 INTRODUCTION

- 1.1 This Planning Statement Addendum is submitted in support of an outline planning application for the development of an overnight truckstop providing 200 spaces for Heavy Goods Vehicles (HGV) with associated facilities on land off Marsh Lane, Curdworth near Junction 9 of the M42.
- 1.2 The application (ref: PAP/2020/0295) was validated by North Warwickshire District Council in June 2020.
- 1.3 Since its submission in June 2020 consultation undertaken between the applicant, Council, and various statutory or technical consultees has led to a position of no outstanding objections or issues on the application. Therefore, it now falls to the Council to assess and determine the application in light of the responses from consultees, and to focus on judgements regarding the 'planning balance' including the relative weight to be attached to the range of relevant material considerations and an assessment of its benefits and impacts.
- 1.4 The original Planning Statement was submitted to North Warwickshire Borough Council in June 2020 and set out an assessment of the proposals in the context of Local and National Planning Policies and relevant material considerations. A Planning Statement Addendum (herein referred to as 'Planning Statement Addendum August 2020') was submitted in August 2020 following initial dialogue with the LPA which expanded on the assessment of the proposals in the context of national Green Belt policy and followed discussion with officers at the Council regarding the national definitions of 'not inappropriate development' in the Green Belt.
- 1.5 Following the latest dialogue with officers at the Council (in summer 2022), this further Planning Statement Addendum provides an updated explanation of the material considerations that are relevant to the proposed development, including the relevant national and local planning policy changes that have taken place since the submission of the application in June 2020, and new evidence or statements of relevance to the issues in hand. It does not repeat all of the sections of the original Planning Statement or Planning Statement Addendum August 2020 and both of those documents remain relevant and still form part of the planning application, but this further Addendum does repeat some of the points in the context of, and with references made to, the new material considerations.
- 1.6 The application site is within the Green Belt and therefore the original Planning Statement and Planning Statement Addendum August 2020 included the applicant's assessment of the planning balance including with regard to an assessment of the extent of harm to the Green Belt from the proposed development. This Planning Statement Addendum provides an update to the appraisal of the application and the overall planning balance in the context of the new and updated relevant

material considerations, including local and national planning policy changes since the submission of the application referred to above and described in detail in following sections of this Statement.

- 1.7 The application submitted in June 2020 was made in response to the widely recognised lack of formal parking facilities and amenities for HGV drivers in this part of the West Midlands and specifically around the Hams Hall Distribution Centre. Since that time awareness and priority given to the issue of a lack of parking facilities and amenities for HGV drivers has become more pronounced both nationally and locally, highlighted or underlined by a range of circumstances or issues across the country. In response, over the period since the application was submitted the Government has sought to intervene to address the problems and negative implications of this lack of facilities not only on the well-being of HGV drivers, but also wider adverse impacts on the freight industry and its key role in the functioning of the national economy. A number of new interventions, letters and statements at both the local and national level now form the material considerations relevant to the determination of this planning application and are summarised in the Section 2.0 of this Addendum.
- 1.8 In that context, this Planning Statement Addendum outlines the reasons why it is the Applicant's view that the case in support of the development proposed has strengthened since June 2020, and that the very special circumstances needed to support approval exist with the significant benefits sufficient to outweigh any limited harm to the Green Belt.

2.0 RELEVANT PLANNING POLICY AND GUIDANCE

- 2.1 The following section of the Planning Statement Addendum sets out the local and national planning policy context for the development proposed and updates key parts of the original Planning Statement and Planning Statement Addendum August 2020. Not all relevant sections or references of the planning policies are set out again here – regard should be had to the original Planning Statement which provides a fuller explanation of the policy context.
- 2.2 However, as set out below, there have been a number of relevant and material changes to the planning policy context since submission of the planning application, including a revised version of the National Planning Policy Framework and the adoption of the North Warwickshire Local Plan, which are of direct relevance to the assessment of the proposed development.

National Policy

The National Planning Policy Framework (2021)

- 2.3 The most recent amendment to the Framework was released in July 2021, after submission of the planning application, and after submission of the Planning Statement Addendum August 2020.
- 2.4 The relevant policies in relation to the proposed development are listed below. For reference, many of the policies listed are unchanged from those listed in the original Planning Statement and Planning Statement Addendum August 2020, but where relevant the NPPF paragraph numbers have been updated.
- 2.5 Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 explains that there are three objectives to sustainable development; economic, social and environmental. The economic objective is to:

“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”

- 2.6 For decision taking, paragraph 11 explains that this means approving proposals, without delay, that accord with the Development Plan.
- 2.7 Section 6 of the NPPF focuses on ‘building a strong, competitive economy’, with the stated role of planning policies and decisions being to *“help create the conditions in which businesses can invest,*

expand and adapt". The NPPF clearly states the approach: *"should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."* (NPPF paragraph 81).

2.8 In pursuing this approach, the NPPF contains numerous additional directly relevant policies and requirements of the planning system which relate to the context of the proposals at Marsh Lane, including:

- Planning policies should *"seek to address potential barriers to investment, such as adequate infrastructure, services or housing"* (paragraph 82 c), and *"be flexible enough to accommodate needs not anticipated in the plan.....and to enable a rapid response to changes in economic circumstances."* (paragraph 82 d);
- Policies and decisions should *"recognise and address the specific locational requirements of different sectors."* (paragraph 83);

2.9 The NPPF is supported by the NPPG which further expands on national policy. With regard to addressing the specific locational requirements of specialist or new economic sectors, the NPPG includes specific detail regarding to the logistics sector (emphasis added):

"The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)..... Authorities will also need to assess the extent to which land and policy support is required for other forms of logistics requirements"

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

"When assessing what land and policy support may be needed for different employment uses, it will be important to understand whether there are specific requirements in the local market which affect the types of land or premises needed. Clustering of certain industries (such as some high tech, engineering, digital, creative and logistics activities) can play an important role in supporting collaboration, innovation, productivity, and sustainability, as well as in driving the economic prospects of the areas in which they locate. Strategic policy-making authorities will need to develop a clear understanding of such needs and how they might be addressed taking account of relevant evidence and policy within Local Industrial Strategies"

(NPPG Paragraph: 032 Reference ID: 2a-032-20190722)

2.10 Section 9 of the NPPF deals with promoting sustainable transport. Paragraph 106 e) explains that planning policies should provide for any large-scale transport facilities that need to be located in the area. The footnote to this policy states that the primary function of roadside services should be to support the safety and welfare of the road user.

2.11 Paragraph 109 deals specifically with how the planning system should deal with overnight lorry parking facilities:

“Planning policies and 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.”

2.12 Section 13 of the Framework deals with Green Belt land. 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.

2.13 Paragraph 147 and 148 of the NPPF state:

“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

2.14 Paragraph 150 lists a number of forms of development that are considered to not be inappropriate development in the Green Belt, and reads as follows (bold added):

“150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

-
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

2.15 Point c) is considered of some relevance to this planning application. Notwithstanding the significant weight of material considerations which support the application being approved even if it is viewed as inappropriate development, this Planning Statement Addendum – consistent with the 2021 Addendum - expands arguments as to why the proposed truckstop development could be considered as ‘local transport infrastructure’ and is such therefore in conformity with Green Belt policy.

Development Plan Policies

The North Warwickshire Local Plan

- 2.16 The North Warwickshire Local Plan was adopted in September 2021 and supersedes the adopted Core Strategy. This Local Plan covers the period to 2033.
- 2.17 As the North Warwickshire Local Plan was adopted after the original Planning Statement and Planning Statement Addendum August 2020, and it replaced the Core Strategy, the relevant new or updated policies pertinent to the proposed development are set out below.
- 2.18 Policy LP3 sets out the policy in respects of the Green Belt in a similar manner to Policy NW3 of the Core Strategy. The supporting text to this policy states that the primary aim of the Green Belt is to maintain the open nature of the area and there is a general presumption against development that is inappropriate, except in very special circumstances.
- 2.19 The outer extent of the West Midlands Green Belt including the detailed boundaries and defined settlements and sites in North Warwickshire are shown on the Proposals Map. The Proposals Map shows that there was an ‘Area of Green Belt release’ made through the Local Plan to the north-west of the Hams Hall employment area.
- 2.20 Policy LP23 ‘Transport Assessments’ states that Transport Assessments appropriate to the scale of development proposed, will be required to accompany development proposals.
- 2.21 Policy LP27 ‘Walking and Cycling’ seeks to ensure that all developments consider what improvements can be made to encourage safe and fully accessible walking and cycling.

2.22 Local Plan Policy LP29 'Development Considerations' states that:

"Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to."

Specifically, in subsection 9, it states that development should:

"avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use [...]"

2.23 The purpose of Policy LP30 'Built Form' is to guarantee that all development respects and reflects the appearance of its setting through the layout, form and density of the development.

2.24 Policy LP14 'Landscape' sets the Council's aspirations for landscaping for new developments so that it strengthens visual amenity and provides nature conservation features and biodiversity.

2.25 Of direct relevant to the proposed development, the Local Plan includes a specific and up to date policy in respect of the provision of lorry parking in the Borough. Policy LP34 'Parking' states the following (bold added for emphasis):

*"Proposals which reduce lorry parking (either informal or formal parking areas) should be accompanied by evidence to support its loss and explore opportunities for alternative provision. **In recognition of the Borough's strategic location and demand for lorry parking, the Council will give weight to lorry parking provision and facilities, and opportunities for alternative provision and for improved management in decision-taking.**"*

2.26 Therefore, through Policy LP34 the Local Plan includes explicit recognition of the strategic importance of the distribution and logistics sector in the local area, and of the demand this creates for lorry parking. Policy LP34 represents a recently updated and current expression of the Council's attitudes and intentions with regard to lorry parking provision, recognises that demand exists, and provides an explicitly positive context for consideration of the planning application.

Other and new Material Considerations

- 2.27 In addition to the updated policy context provided above, the following section sets out the publications, Government Statements and other material changes to the wider context that have transpired since the submission of the application in June 2020 in relation to lorry parking and HGV driver facilities. This expands and updates the information contained within the earlier Planning Statement (and the Addendum 2020) with regard to the analysis and assessment of the relevant material considerations to the determination of the planning application.
- 2.28 The following list is set out broadly chronologically, starting from the summer of 2020 when the application was submitted – material considerations which pre-date that time remain unchanged as described in earlier submissions to the Council.

Support Letter – Cushman & Wakefield, September 2020

- 2.29 A letter written expressively in support of the planning application was received from Cushman & Wakefield in September 2020. A copy of the letter can be found in Appendix One of this Addendum.
- 2.30 Cushman & Wakefield act as Managing Agents for and on behalf of Hams Hall Distribution Centre and wrote in support of the planning application due to the increasing number of HGVs that park improperly on the Hams Hall site and the negative impacts this has on the operation of the estate and the wider surrounding area.
- 2.31 Cushman & Wakefield state that the improper parking of HGV vehicles on the estate have the following negative impacts:
- Road safety issues as sight lines are reduced by vehicles parked on the Hams Hall estate, including on pavements.
 - Pedestrian routes are blocked by the vehicles.
 - The additional vehicles on the site restricts movements on the main estate roads.
 - The vehicles that are not meant to be parked on-site create extra refuse for the estate and bring damage and anti-social behaviour for local communities with extra costs incurred for Warwickshire County Council.
- 2.32 Cushman & Wakefield note that the truck stop proposed in the application would relieve the pressure on the site and the M42 corridor that passes by the site and would provide an example to the local area, and nationally, as to how the known issues of a lack of lorry parking and facilities can be dealt with, without placing extra pressure on commercial sites, but by addressing road safety and community concerns.

2.33 This letter in support of the application provides validation and evidence to support the claims made within the original Planning Statement that there is a need for the development proposed and that providing such a facility would directly and positively address the issues and problems experienced by the local community in and around the Hams Hall Distribution Centre as a result of improper HGV parking and a lack of facilities for the drivers.

Letter to UK Logistics Sector from DfT, DWP and DEFRA (2021)

2.34 The Secretaries of State at the Department for Transport, Department of Work and Pensions and Department of the Environment, Food and Rural Affairs wrote a joint open letter to the UK logistics sector in July 2021.

2.35 In regard to HGV parking the letter states the following:

*“While we focus on increasing the supply of drivers into the industry, any success in this area will need to be supplemented by **action to improve retention of drivers**. Here we seek to support industry-led action [underlining our emphasis]. We will **reinvigorate work on lorry parking with trade and driver representatives** with a view to working with businesses, Highways England and **via planning to improve the quantity and quality of overnight facilities and access to facilities during the day.**”*

2.36 The letter refers to the “*well documented*” shortage of qualified HGV drivers and the measures the Government are introducing to support driver recruitment and retention in the industry. It is clear that the Government regard better working conditions and HGV parking capacity and purpose-built overnight facilities as a crucial factor in improving driver welfare and increasing the retention of drivers.

Written Dept for Transport Ministerial Statement (2021)¹

2.37 In his Written Statement to Parliament on the 8th of November 2021 Grant Shapps (then Secretary of State for Transport) updated Parliament on the joint initiative between the Department for Transport and Department for Levelling Up, Housing and Communities on planning reforms for lorry parking with a statement which included the following comments of relevance to key issues

¹ <https://www.gov.uk/government/speeches/planning-reforms-for-lorry-parking>

associated with the proposed development (bold added for emphasis – extracts only, not verbatim):

“I wish to update the House on the joint initiative between the Department for Transport and Department for Levelling Up, Housing and Communities on planning reforms for lorry parking, and to emphasise the critical importance of the freight and logistics sector to shops, households, assembly lines, hospitals and other public services across the country.

The infrastructure that supports our hauliers is essential to the effective and resilient supply chains we need. This Government is committed to addressing the strategic national need for more lorry parking and better services in lorry parks in England and we must act now....

*This Government is also determined that **the planning system should play its part in meeting the needs of hauliers and addressing current deficiencies.** Planning plays a critical part in the allocation of land for lorry parking.*

*The National Planning Policy Framework sets out that **local planning policies and 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.*

*In preparing local plans **and deciding planning applications, the specific locational requirements of different industrial sectors should be recognised and addressed.** This should include making provision for storage and distribution operations at a variety of scales, and in suitably accessible locations.*

*To **ensure future decision-making supports the needs of the sector,** we are..... ..updating the National Lorry Parking Survey to ensure strong evidence is available on the national picture in future. A programme of longer-term measures is under developmentand we will publish a Future of Freight plan, a long-term strategic plan for the sector, in coming months.*

The need for a reliable and efficient supply chain has recently come into sharp focus. It is therefore essential that we put in place mechanisms that deliver a supply chain network that is secure, reliable, efficient, and resilient, with no link in the chain overlooked.

*Taken together **our planning policies and wider measures will support our logistics and freight sectors and the people that work in them.** Working with industry and local authorities we will continue to monitor the situation closely and take further action when it is needed.”*

- 2.38 In summary, this Written Ministerial Statement emphasises the critical importance of the freight and logistics sector to the national economy and outlines the Government’s commitment to addressing the strategic national need for more lorry parking and services for lorry parks in England.

It is explicit in recognising that the planning system should play its part in meeting the need of hauliers and addressing current deficiencies and shortages with regard to development land supply generally. The Statement reflects on the strategic national need for lorry parking spaces and services for lorry parks which further evidences the lack of proper spaces and facilities for HGVs and their drivers outlined within the National Survey of Lorry Parking.

- 2.39 In regard to the development proposed this provides an opportunity for the Local Planning Authority to address this national need and to meet the deficiencies present within the haulage sector at a location where there is an identified shortage of HGV parking and facilities.

'Report on the Driver Shortage' by the Road Haulage Association (2021)

- 2.40 The Road Haulage Association (RHA) published this report outlining the national position in relation to the shortage of HGV drivers.
- 2.41 The report refers to a number of factors have exacerbated the shortage of HGV drivers which is at a "crisis point" with a shortage of 100,000 drivers. The reasons listed for this crisis included Covid and the UK's departure from the EU, but other more stubborn existing challenges associated with the retention of HGV drivers in the industry include a lack of lorry parking facilities and treatment from the public which feed into wider perceptions that the industry is not attractive or appealing for new or existing drivers.

'Future for Freight: a long-term plan', Department for Transport (June 2022)

- 2.42 The DFT published the 'Future Freight: a long-term plan' report in June 2022 as the Government's and freight sector's joint response to the challenges that face the freight industry.
- 2.43 Key challenges and difficulties identified include those associated with obtaining planning permission and land allocations in general. The report emphasises the importance of the planning system (policies and decisions) to support the 'freight' sector as a whole with specific references to the need for more and better truckstops and roadside facilities for HGV drivers. It also refers to current policy in regard to HGV truckstops and lorry parks (the NPPF and the Written Ministerial Statement 2021, both referred to above), and sets a clear goal of updating other government guidance to help ensure more high-quality roadside facilities for HGV drivers are provided.
- 2.44 The report calls for sufficient land to be allocated to service the needs of freight and logistics operations to deliver sufficient lorry parking facilities and ensure Local Planning Authority's recognise the land use requirements to support each stage of the supply chain.

2.45 The report also states that the Government will consult on and publish an updated DfT Circular 02/2013 (planned for late 2022), which will include higher standards for roadside facilities on the strategic road network to provide for better facilities for HGV drivers. This will build upon the Written Ministerial Statement 2021 (referred to above) published by the Department for Levelling Up, Housing and Communities, which made clear that in preparing local plans and deciding planning applications, the specific locational requirements of different industrial sectors should be recognised and addressed by local planning authorities.

2.46 Paragraph 5.24 of the report sets out the programme of changes to the planning system one of those reads as follows (bold added for emphasis):

*“How the requirement for **HGV parking can be better facilitated within the planning system, particularly at freight sites such as distribution and logistics centres along with the better utilisation of existing infrastructure to accommodate HGV parking.**”*

‘Road Freight Supply Chain’, House of Commons Committee Report (2022)²

2.47 The Transport Committee prepared the ‘Road Freight Supply Chain’ report for the House of Commons in June 2022. It starts by outlining that even though the national economy depends on the road haulage sector to move materials and goods around the country, the logistics sector has been unable to fully supply essential goods to the UK’s supermarkets, petrol station forecourts and other marketplaces following the lifting of the harshest Covid 19 restrictions. The report and its recommendations seek to overhaul the logistics sector and ensure that the supply chain, and its workforce, is more robust and resilient.

2.48 The report is clear that the shortage of HGV drivers is a longstanding concern for the road freight sector and is explicit that *“a key reason drivers do not stay in the sector is the lack of high-quality rest facilities, especially on key road freight routes. This lack of capacity is not new....”*. In this context the report refers to the shortages of adequate truckstops identified within the National Survey Lorry Parking Survey from 2017 which identified national ‘hotspots’ of particularly acute shortages, including the hotspot in which the application site is located.

2.49 The report makes a number of recommendations relevant to planning and its role in enabling an improved supply of new HGV truckstops, these include suggestions that planning decisions for new driver’s facilities should be decided at a central level and not by individual planning authorities

² <https://publications.parliament.uk/pa/cm5803/cmselect/cmtrans/161/summary.html>

which often face local opposition, an approach which would reflect the strategic need of these facilities.

Changes to the Logistics/Haulage Industry and Market Trends

- 2.50 As referred to in a number of the documents listed above, the logistics industry and sector has been through a number of changes since June 2020 associated with the consequences of Brexit, and the Covid-19 pandemic. The changes caused by or linked with these major events for the UK have led to an increasing awareness of the role and importance of the logistics industry to the national economy.
- 2.51 The growth of the logistics sector nationally has been accelerated by the Covid-19 pandemic which fuelled and exacerbated trends in changing consumer spending habits towards e-commerce when 'lockdowns' drove large numbers of consumers to adopt online shopping for groceries and other items. The pandemic heightened the country's increasing dependence on 'e-commerce' and wider logistics operations for the delivery of food, goods as well as medicines and other vital supplies. HGV drivers were classified as 'key workers' working throughout the pandemic to deliver vital supplies to the country. With the 'reopening' of traditional retail many shoppers have returned to pre-pandemic behaviours, but there are signs it has not fully returned, and that the experience has further accelerated the trends towards online and home delivery shopping across a range of retail sectors.
- 2.52 Prior to the Covid-19 pandemic growth in the service industries was fuelling the UK's logistics industry and creation of a distinct logistics sector, with an increase in distribution requirements and changing distribution patterns. As a consequence, industrial property demand for the UK has seen a shift from factories (B2 and B1c use) towards distribution warehouses (B8), and recent market data shows new records being set for both demand and take-up across the UK, but particularly within the core Midlands distribution sector heartlands (including the 'golden triangle') in which the application site is located. This was fuelled in part by additional demands associated with Covid, but also structural changes associated with Brexit and as a response to increasing uncertainty and reduced reliability of the efficiency and speed of movements across the UK border, which has led to increased demand for more distribution and logistics space within the UK. Numerous market commentators and analysts have reported on this and produced evidence regarding the record demand for land and buildings and take up above the long-term average by 90%³.

³ https://www.savills.co.uk/research_articles/229130/330469-0

-
- 2.53 Growth of the logistics sector will continue to exacerbate the national and local shortages of HGV parking facilities. The clear and explicit messages from the Written Ministerial Statement and the Future for Freight Plan are that the planning system has been slow to respond to these issues and in delivering the adequate number of spaces for HGVs and facilities for the drivers.

Growth in and around the Hams Hall Distribution Centre

- 2.54 Since the submission of the application in June 2020 there has been planned growth and planning applications for development in and around the Hams Hall Distribution Centre which is likely to further increase the demand for HGV parking and facilities locally.
- 2.55 The North Warwickshire Local Plan 2021 includes an amendment to the Green Belt boundary with 20 ha removed from the Green Belt to accommodate an already approved extension to the Hams Hall Distribution Centre following consent for 800,000 sqft of B2/B8 floorspace on the former B station site at Hams Hall (ref: PAP/2016/0399). Construction of the three buildings approved under PAP/2016/0399 has formally commenced.
- 2.56 In addition to this, a planning application for a battery storage facility has been approved adjacent to Dunton Hall (ref: PAP/2021/0473) and an application (ref: PAP/2021/0663) proposing up to 100,000 sqm (1,076,391sqft) of mixed Class B2, Class B8 and Class E(g)(iii) floorspace has also been submitted near to the application site at land on the northeast of Junction 10 of the M42 further north from Hams Hall.
- 2.57 Furthermore, the construction of HS2 will also lead to a temporary (albeit for a not insignificant period) increase in the number of HGVs passing near to the application site and using Junction 9 of the M42 due to the Phase One HS2 route passing relatively close to the east of the application site.

3.0 APPRAISAL OF THE APPLICATION

- 3.1 The planning application was made in June 2020 in response to the national and local shortage of HGV parking spaces and facilities, and the various amenity and safety issues – for local road-users and HGV drivers – associated with unmanaged ‘fly-parking’ in the area surrounding the application site. The impacts are often felt in neighbouring communities as well as within the Hams Hall estate itself.
- 3.2 As referred to above, and as described further below, the proposals accord with, and would enable delivery of, key objectives of both local and national planning policies. Indeed, the specific focus of this Planning Statement Addendum is to update the appraisal of the application in the context of the recent material considerations and the extent to which the case in support of the proposed development has been strengthened since June 2020.
- 3.3 Both a national (strategic) and local context exists for the proposed development rooted in the recognised importance and strong representation of the logistics and distribution sector in this part of the Midlands and the demand for HGV parking spaces and facilities for the drivers arising from the Hams Hall Distribution Centre. The proposals therefore find support in a range of local and national policies and Government objectives.

Problems Associated with the Lack of Proper Facilities and Spaces

- 3.4 The problems associated with the lack of HGV parking spaces and facilities for the drivers is set out in detail in the original Planning Statement and the following section summarises these issues in the context of the change in circumstance of the local and national picture for HGV parking and the wider logistics industry outlined in detail in Section 2.0.
- 3.5 The problems associated with the lack of proper facilities and spaces from the original Planning Statement can be condensed into the following points:
- There is a clear need for additional HGV spaces in the area and the National Survey of lorry Parking 2017 identifies the area in which the application site sits as a parking shortage ‘hotspot’ – i.e. one of the most pronounced areas of shortage across the country as a whole.
 - The fly-parking in the area is a well-known local issue, most acute around Hams Hall Distribution Centre and contributes towards anti-social behaviour and highways safety issues.

-
- The parking beat survey commissioned for this application found a shortage of 89 overnight HGV spaces in the immediate surroundings of the site, supporting evidence from the earlier National Survey.
 - The lack of appropriate HGV spaces increases the risk of crime to vehicles and drivers as HGV's often hold expensive loads and are at risk of theft when parked in lay-bys or are 'fly-parked' inappropriately.
- 3.6 Since the submission of the application there has been a growing awareness of the issues associated with the lack of HGV parking and facilities as identified within key recent reports such as 'the Future for Freight' report and the RHA report on the shortage of HGV drivers. It is well documented that a key reason that HGV drivers aren't staying in sector or can't be recruited is the lack of high-quality facilities, especially on key road freight routes.
- 3.7 The letter written in support of the application from Cushman & Wakefield in September 2020 underlines the site-specific problems associated with the lack of proper facilities and spaces for HGVs such as highways safety, anti-social behaviour and the blocking of road and pedestrian routes. The letter was written in September 2020 and noted then how the problems and number of HGVs improperly parking on and using the Hams Hall estate was worsening. The letter supports the clear contribution which the proposed development would make towards relieving these issues.
- 3.8 A recent site visit to the Hams Hall Distribution Centre on the 30th of September confirmed that the issue of inappropriate parking remains an issue on the estate and that cargo crime is an ongoing danger with numerous Police warnings posted in the area highlighting the risk of crime for lorries parked outside of secure/managed facilities. Photographs taken at a recent site visit (September 2022) show large numbers of HGVs parked inappropriately across the Hams Hall estate which can be found in Appendix Two of this Addendum.

Benefits of Providing a Secure Managed Facility

- 3.9 The original Planning Statement – supported by this Addendum – demonstrated a clearly identified need for additional HGV parking and overnight facilities, evidenced with regard to both national and local issues and challenges. The following section outlines how providing a securely managed facility can alleviate the problems identified, offering a number of benefits to both the HGV drivers and the local area.
- 3.10 The benefits of the proposed development as listed within the original Planning Statement are listed below:

-
- The proposed development provides a managed facility which will contribute towards reducing incidences of anti-social behaviour resulting from the inappropriate parking such as littering, prostitution and blocking of pedestrian and highways routes.
 - Having a facility so close to the source of the 'fly-parking' (Hams Hall) provides the Police more power to move vehicles that are parked inappropriately.
 - The facility will be secured and managed 24/7 thus reducing the amount of cargo crime.
 - The proposed development addresses national policy (NPPF paragraph 109) requirements to provide adequate overnight lorry parking facilities that takes into account local shortages and to reduce the risk of parking in improper locations and parking that could cause a nuisance.

3.11 Section 2.0 of this Statement outlines how the shortage of HGV drivers harms the functioning of the national economy and contributes towards the supply chain issues the country has been facing as it emerges from the Covid-19 pandemic and the consequences of the country leaving the EU. Therefore, providing new facilities at a location convenient for HGV drivers would improve drivers amenity, safety and access to clean showers and toilets which would go some way towards alleviating the crisis of a shortage of HGV drivers identified by the RHA by contributing towards retaining workers within the industry. It would directly respond to the NPPF as well as recent statements and calls for positive action by a range of bodies, as well as by Ministers.

3.12 The letter written in support of the planning application from Cushman & Wakefield is clear that the delivery of a managed truckstop in this location will act as an example locally and nationally as to how the issue of a lack of HGV spaces and facilities can be dealt with noting that the benefits of it include the relieving of pressure on the site and the M42, road safety improvements and benefits for the local community.

Assessment against Local and National Planning Policies

3.13 This section of the Planning Statement Addendum assesses the proposals against the relevant planning policies. This updates the earlier assessment provided in light of the newly adopted local policies and given the update made to the NPPF since submission of the application in June 2020. The original Planning Statement provides a fuller assessment against the full context of relevant planning policies.

National Policies

'Economic' and Transport NPPF policies

- 3.14 The application finds explicit support under several themes or topics of the NPPF. As set out in Section 2 of this Statement, the NPPF (and NPPG) refers to the need to assess and plan for the needs of specific economic sectors, including the particular requirements of the logistics sector. Section 6 of the NPPF is clear on the importance of taking account of business needs, and on building on strengths while addressing weaknesses. The NPPF requires flexibility and responsiveness through planning policies and decisions in response to new or changing needs of the economy.
- 3.15 Furthermore, the NPPF (Section 9) explicitly identifies the need to provide adequate overnight lorry parking facilities *"taking into account local shortages"* as part of planning to deliver 'sustainable transport'.
- 3.16 The logistics sector is established as a particular strength of the local economy, with the strategic role of the Hams Hall distribution park well understood as part of that sectoral strength. The shortage of HGV parking and truckstop facilities is also well understood as a particular weakness in the area, identified both by the National Survey of Lorry Parking, but also evidenced through an additional survey which supported the planning application, and through the local community's experience and adverse impacts on amenity and road safety.
- 3.17 It is clear that the local context is directly relevant to, and consistent with, the issues identified and described in the NPPF: more HGV overnight facilities should be planned for and enabled through the planning system to address the identified shortage. HGV truckstops can be seen as forming part of the wider needs of the logistics and distribution sector, and the planning system is required to be flexible and positive in helping address the specific needs of key sectors.
- 3.18 Also see below regarding the recognition of these issues through up-to-date local planning policies.

Development in the Green Belt

- 3.19 The site is located in the Green Belt where according to national planning policy inappropriate development is harmful by definition. However, Paragraph 150 of the National Planning Policy Framework provides that certain forms of development are not inappropriate in the Green Belt where they preserve its openness and do not conflict with the purposes of including land within it. One of those categories is relevant here:

(c) Local transport Infrastructure which can demonstrate a requirement for a green belt location.

-
- 3.20 The 2020 Addendum presented the arguments of the ways in which the proposed development can be seen to meet the definition of 'local transport infrastructure' and as such can be considered 'not inappropriate' development in the Green Belt. That focused on three tests associated with the NPPF's policy which indicate whether it qualifies as 'local transport infrastructure', those being:
- 1) whether the proposed transport infrastructure is 'local';
 - 2) if it can be demonstrated that there is a requirement for a Green Belt location, and
 - 3) whether the proposed development would preserve the site's openness and other purposes of the Green Belt.
- 3.21 Although, the need for additional HGV spaces is a national issue, the National Survey of Lorry Parking 2017 identified seven geographical 'hotspots' in which the need for additional HGV parking and facilities is most pronounced. The application site falls within the 'Hams Hall to Dordon (around Birch Coppice)' area and as explained earlier in this Planning Statement the worst affected area in terms of need for additional HGV spaces in this 'hotspot' is the immediate area around Hams Hall.
- 3.22 The letter in support of the planning application from Cushman & Wakefield (for the Hams Hall owner/operator) refers to these issues, described earlier in this Addendum Statement.
- 3.23 The original Planning Statement demonstrates through the alternative sites assessment that there are no viable sites outside of the Green Belt that could feasibly accommodate a truckstop of a comparable size close to Hams Hall (a major generator and destination of HGV traffic in the area). Furthermore, it is not viable to deliver a truckstop within the confines of Hams Hall and the Green Belt boundary is tightly drawn around the boundary of the Hams Hall development area. No provision is made for a facility through planning policies, including through the newly adopted Local Plan – discussed further below – or through existing approvals or emerging proposals within the Hams Hall estate itself. In terms of the likely effectiveness and success of any proposals to address the current shortage of HGV parking facilities, proximity to both the motorway network and key destinations for HGVs are considered essential.
- 3.24 Therefore, in the local context, it is possible to demonstrate a need for a Green Belt location as there are no alternatives which are outside of the Green Belt which would directly meet demand associated with Hams Hall in a location as close to the source of that demand. The site also has excellent connections to the M42, and is able to help serve some of the wider needs in the 'hotspot' area.
- 3.25 In terms of how the proposed development might affect the openness and other purposes of the Green Belt, although submitted in outline the proposals have been designed to minimise the impact on the surrounding landscape. Indeed, the nature of the proposed development – primarily a

parking area at grade, with landscaped edges and very limited built development in a relatively generous site – lends itself well to retaining a sense of openness.

- 3.26 It is also relevant to note that ‘openness’ is a concept of policy, rather than of law, the application of which, “requires realism and common sense” (*Lindblom LJ in Liverpool Open and Green Spaces Community Interest Company -v- Liverpool City County [2020] (ca)*).
- 3.27 As a consequence of the design of the scheme there are minimal impacts on ‘openness’ arising from the proposed development. Detailed arguments and analysis were set out in detail in the earlier Planning Statement Addendum with cross-reference to the LVIA and are not repeated here in full. However, the LVIA submitted with the application concludes that the proposed development will result in very limited and localised landscape effects and very limited and localised visual effects for a small number of visual receptors. In terms of the Green Belt, the proposed development will not be seen beyond a small area surrounding the site and will not prejudice the overall purposes and function of the Green Belt at this location. The proposed planting (biodiversity gain) area on current agricultural land to the south of Marsh Lane is not considered to represent ‘development’, but criteria e) of NPPF para 150 may also provide a context for the Council’s consideration of that element of the proposals.

Other examples of local transport infrastructure

- 3.28 By way of context for reaching the view that the proposed development is not inappropriate in accordance with the NPPF, it is helpful to consider the other types of development which have also been considered to fit within the definition of ‘local transport infrastructure’ elsewhere.
- 3.29 Numerous large Park and Ride sites are located in Green Belt locations, including around the edge of cities such as Oxford.
- 3.30 An extension to a motorway service area in Cobham (Elmbridge Borough Council) to provide an additional 79 HGV spaces was granted at appeal in 2018 (appeal ref: APP/K3605/W/17/3187505). This decision has direct relevance to this proposal due to the similarities in the development proposed (overnight HGV parking spaces) and the Inspector’s conclusions on the matter are relevant, in particular as to whether the proposals constitute ‘local transport infrastructure’.
- 3.31 The Inspector on the Cobham appeal considered that the proposal for additional HGV spaces would constitute a local transport infrastructure facility because there is a need in that specific locality for additional HGV parking spaces which supports a local geographical need. The Inspector reached this conclusion even though the facility would support various journeys that are not local trips given that the proposal would address a potential safety issue and that there were sound reasons in the wider public interest for the provision of additional parking at that location.

-
- 3.32 That decision has direct relevance to this application because although a local need for HGV spaces can be demonstrated due to the inappropriate parking around Hams Hall, the facility contributes towards meeting a strategic need for HGV spaces nationally and the vast majority of HGV's that enter and exit the site will complete non-local trips to and from regional and national distribution centres at Hams Hall.
- 3.33 The Inspector's findings relate well to the proposed development because in Cobham, as in the Curdworth area, a local geographic need can be demonstrated because there are potential safety issues arising from a lack of HGV parking in the specific locality. This Addendum (and the original Planning Statement) has already described how the lack of appropriate HGV parking around Hams Hall creates road safety concerns and that the proposed site is the closest a truckstop could feasibly be located to Hams Hall.
- 3.34 In terms of other examples of larger scale infrastructure which has been considered 'local' and not inappropriate in the Green Belt, Coventry City Council's adopted Local Plan includes an allocation for a large sustainable urban extension at Eastern Green which has been removed from the Green Belt to enable a large-scale residential led mixed-use extension to the City. This allocation includes a requirement to deliver a new grade-separated junction with the A45 dual carriageway trunk road which lies to the immediate north of the allocated site. The northern half of that new grade separated junction (which extends over and beyond to the northern side of the A45) is to be delivered on land which remains in the Green Belt. This major new bridge structure with accompanying slip-roads was explicitly discussed and confirmed by the Examining Inspector as being 'local transport infrastructure' and therefore not inappropriate with no direct impacts or conflict with the purposes of the Green Belt.

Local Planning Policies

- 3.35 The Council's recently adopted (2021) Local Plan Policy LP34 sets a positive context for the development proposed. The Plan is clear that demand for lorry parking in the Borough at strategic locations is recognised and weight will be given to proposals for lorry parking provision and facilities.
- 3.36 There is a clear and established need for additional HGV spaces in the area and as referred to above, the application site is within one of the parking shortage 'hotspots' identified by the National Survey of lorry Parking 2017. The development of 200 spaces proposed in this planning application will help meet this need and address the recognised shortage.
- 3.37 Despite this strategic context, and the acknowledged local issues associated with a shortage of HGV parking, the new Local Plan does not allocate any sites for HGV facilities, nor require existing or

new major distribution or logistics sites to provide them. However, it does provide a positive context for proposals to deliver new HGV parking facilities, and explicitly states the Council “*will give weight*” to such proposals.

- 3.38 The development proposed, although made in outline, makes provision for electric vehicle charging points and therefore complies further with Policy LP34 which seeks to ensure that electric vehicle charging points will be provided as part of developments.
- 3.39 As identified above in this Addendum the proposed development will make a positive contribution towards relieving cargo crime where criminals often target lorries parked outside of secure facilities putting the drivers at risk of violent crime and creating economic disruption and costs for hauliers and/or their customers. The proposal therefore complies with Policy LP1 of the North Warwickshire Local Plan which states that development proposals should be designed to deter crime as the completed scheme will provide a secure and managed facility. Albeit in outline, consideration has been given to the potential layout of the development to ensure personal safety and prevent crime from taking place.
- 3.40 The up-to-date local plan therefore provides a clear and positive context for the proposed development, with specific recognition of the demand for new HGV parking facilities and ‘weight given’ to market led proposals to deliver them.

Planning Balance, including assessment of Green Belt harm

- 3.41 Whether the proposed development represents ‘not inappropriate’ development as defined by national planning policies is largely a matter of planning judgement. Similarly, whether there would be harm to the Green Belt, and the extent of that harm, is a matter of planning judgement.
- 3.42 The submitted evidence and assessments provided in the first Planning Statement Addendum (and summarised again in this new Addendum) has explored these issues.
- 3.43 In the view of the Applicant, it would be appropriate for North Warwickshire District Council to determine the application in the context provided by paragraph 150 of the NPPF and consider the proposed truckstop to constitute ‘local transport infrastructure’. While this term is not defined within the NPPF, this conclusion would be consistent with the judgements made by other LPAs and Planning Inspectors in other examples (examples set out above) which indicate a truckstop can reasonably be considered ‘not inappropriate’ in the Green Belt. The proposals directly respond to a well-documented and highly visible local (and national) transport issue, and in that regard directly accords with the term. As explained in the submitted alternative sites assessment, there are no non-Green Belt locations which are as well placed to directly meet and address this local problem.

By being so close to one of the main destinations of HGVs in the wider area, the proposed development will be both effective and sustainable.

- 3.44 The assessment provided through the application material is that the proposals do represent sustainable development and would not have any significant harm on the openness or purposes of the Green Belt with the site's context already compromised by the significant highways and other urbanising influences.
- 3.45 The built development floorspace is modest and to some extent ancillary to the main purposes of the truck-stop which is to remove HGVs from inappropriate or dangerous locations and to provide a safe location for drivers to park and rest.
- 3.46 However, if the Council takes a contrary view on the relevance of paragraph 150 of the NPPF – as indicated by Officers to date – for the application to be acceptable in policy terms the Council must be satisfied that 'very special circumstances' can be demonstrated. As set out in the original Planning Statement, the very limited harm to openness and purposes of the Green Belt is clearly outweighed by other considerations.
- 3.47 Paragraph 148 of the NPPF states that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

- 3.48 It is considered that 'very special circumstances' exist which justify the proposed development in the Green Belt. In the context of the urgent, identified need for new facilities to address the shortage of HGV parking, it is considered that there are numerous benefits and material considerations which outweigh the potential harm to the Green Belt. As set out in this updated Planning Statement Addendum, there are numerous new or strengthened material considerations which clearly weigh in favour of the application.
- 3.49 The very special circumstances in this instance are primarily related to the clear national and local need for additional overnight lorry parking, addressing the adverse local amenity and safety issues associated with the lack of HGV driver facilities in the area, and the absence of alternative facilities to meet that need close to Hams Hall either within or outside of the Green Belt.
- 3.50 In summary, the very special circumstances that support the grant of planning permission on this site are set out in the original Planning Statement, and are considered to be:
- The site area falls within a national parking shortage 'hotspot', one of seven identified nationwide by the Department for Transport and which are still referred to as evidence of areas where the shortages are most pronounced;

- The national policy (NPPF) requirement to provide adequate overnight lorry parking facilities that takes into account local shortages and to reduce the risk of parking in improper locations and parking that could cause a nuisance;
- The fly-parking in the area is a well-known local issue, most acute around Hams Hall Distribution Park and the situation is likely to worsen. The nuisance and dangerous situations caused by inappropriate parking, including crime against drivers and vehicles, has been the topic of a number of council and community led reports;
- The parking beat survey commissioned for this application found a shortage of 89 overnight HGV spaces in the immediate surroundings of the site, and demand is likely to increase with further growth of the logistics sector and expansion of operations at Hams Hall;
- There are no known appropriate alternative facilities or sites capable of providing the required HGV spaces so close to Hams Hall, and none planned or proposed within the Hams Hall estate itself;
- The site is well connected to the strategic road network, being only 0.7 miles from Junction 9 of the M42 – lorry drivers are legally required to take a break every 4.5 hours and should rest properly, further underlining the need to provide lorry parking in an accessible and busy location. This will address issues beyond the nuisance that fly-parking causes and will deliver Highway safety improvements;

3.51 In addition to the very special circumstances set out above which were presented in the original Planning Statement the following points can be added to that list since the submission of the original Planning Statement:

- The Council's recently adopted Local Plan (2021) includes a clear recognition of the strategic role played by the logistics/distribution sector and of the need for appropriate lorry parking to be provided, and "gives weight" to proposals which will deliver appropriate lorry parking facilities (Local Plan policy LP34);
- The overnight lorry parking spaces and facilities for HGV drivers will directly contribute towards the Government's objectives of increasing the amount of high-quality roadside facilities for HGV drivers outlined within DfT's 'Future for Freight: a long-term' report (2022) and the Written Ministerial Statements on the issue of HGV parking and the role of the planning system (policies and decisions) in helping enable and secure additional supply of HGV parking and overnight facilities;
- Improved facilities and amenities for HGV drivers will contribute toward relieving the HGV driver recruitment and retention challenges which are well documented at a national level and consequently will have a positive impact on the supply chain issues the country has been experiencing.

3.52 In deciding whether 'very special circumstances' exist and in considering the weight which should be given to the various material considerations in this instance, consideration should be given to an earlier appeal decision in North Warwickshire which proposed additional HGV parking at the existing Welcome Break motorway services area (MSA) at Corely (ref: APP/R3705/W/17/3192501).

Planning permission for the development was initially refused by the local authority on the basis that the proposals did not amount to very special circumstances.

- 3.53 In overturning this decision, the Inspector found that **moderate weight** in support of the proposals should be given to the effect of growth in HGV traffic nationally and regionally on additional HGV parking spaces at the MSA, and **considerable weight** should be afforded to paragraph 107 (now paragraph 109) of the NPPF and the site-specific requirement to provide additional HGV parking. The Inspector concluded that these other considerations (the national and site-specific need for additional HGV parking spaces) clearly outweighed the harm identified and thus very special circumstances exist to justify the development.
- 3.54 This appeal decision set a relevant precedent whereby proposals that seek to address an identified local shortage of adequate overnight lorry parking should be given considerable weight in the planning balance. It is the Applicant's view that this Appeal decision is of direct relevance, both with regard to the approach to some of the same planning policy issues, but also with regard to the judgements about the weight attached to common material considerations. These same material considerations are relevant in the case of the proposed development, and it seems appropriate and valid to attach the same weight to them in assessing the planning balance here too.
- 3.55 However, since that appeal decision new material considerations now need to also be weighed in the planning balance, most notably the newly adopted Local Plan Policy LP34, the Government's 'Future of Freight' 2022 document referred to above, and the increasing wider awareness and evidence of the role of HGV parking in the efficient operation of the logistics and distribution sector and in particular well-documented challenges associated with driver retention and recruitment.
- 3.56 In assessing these new material considerations, our judgement is that **significant weight** should be given to both the updated local plan policy position with regard to HGV parking, and to the recent clear strategy and associated statements by Government regarding the urgent need for an increase in the supply of purpose-built HGV parking and overnight facilities. The Transport Minister's statement which accompanied the 'Future of Freight' report included the clear requirement that "*we must act now*" with a clear expectation that the planning system has a direct role to play. This sits alongside and bolsters the NPPF requirement (above) for provision to be made through the planning system for new facilities, and for local shortages to be addressed.
- 3.57 The new Local Plan Policy (LP34) itself "*gives weight*" to proposals which would deliver new lorry parking capacity, and as the Local Plan acknowledges the need for increased parking capacity but does not go onto allocate or identify sites or locations for those facilities, the strategy for delivering new HGV parking facilities is left to 'the market' via planning applications. In the context of the Minister's statement and the Future of Freight strategy and supported by the new Local Plan's

‘weight’ given to proposals which address this need, this provides a clear basis for a positive decision on these proposals.

- 3.58 As set out above, a large number of Green Belt and non-Green Belt potential alternative sites and areas were assessed using a sequential approach. The outcome of this assessment was that there is no preferred site identified in the whole of North Warwickshire Borough, or nearby adjoining Local Planning Authorities, that could support a comparable facility in an appropriate location accessible to the Strategic Road Network and close to Hams Hall. The Applicant is aware of a live proposed development close to Birch Coppice which would, if approved, include new HGV parking facilities. However the scale of need and demand, and the presence of two distinct generators and focus points for strategic distribution traffic and activity (Hams Hall and Birch Coppice) – which both form the basis of the national ‘hotspot’ – as well as the presence of an intervening section of the national motorway network between them, suggests more than one new HGV parking facility is required. The emphasis of national policy and Ministerial Statements gives no indication that it should be one or the other – the stubbornness and the severity of the shortage requires a proactive response and the need to ‘act now’.

Summary and Conclusions regarding Green Belt and overall ‘planning balance’

- 3.59 Therefore, in summary, while it is the Applicant’s view that the proposals can reasonably be considered to meet the definition of ‘not inappropriate’ development in the Green Belt – supported with reference to how that term has been interpreted and defined elsewhere – it is understood that the Local Planning Authority may not share this view.
- 3.60 Should the Council’s view be that the proposed development should be assessed as inappropriate development, the conclusions from our assessment (including the LVIA) are that it would not have a significant impact or cause significant harm on the Green Belt. The site itself currently makes a limited contribution to the purposes of the Green Belt, including a limited contribution to openness as a consequence of the significant and permanent boundaries to the site provided by the significant highways infrastructure which surround it, and a limited role in preventing the coalescence of settlements. A fuller assessment against all of the Green Belt purposes forms part of the application and is summarised elsewhere in the original Planning Statement.
- 3.61 In this context, our assessment is that any harm is in reality somewhat below moderate harm given the limited built floorspace and extensive site landscaping proposed. The site is located in an area of wider change with not only extensions or further development at Hams Hall underway or being proposed, but also with the introduction of the now under-construction HS2 in the wider locality (to the east).

3.62 The significant weight of numerous material considerations is considered to outweigh this harm. This assessment has considered several notable and important new relevant material considerations described in detail in this Addendum Statement regarding the importance of the logistics sector and the need for HGV parking and overnight facilities which supports the sector, not only within the NPPF, but supported by more recent Ministerial Statements and other government strategies, and by evidence produced by relevant bodies and MPs. Furthermore, the new Local Plan now explicitly recognises the 'strategic location' of the Borough and the associated demand for lorry parking and facilities, it also gives weight to proposals to deliver against that need. The combined significant weight of policy and other evidence which support the proposed development clearly outweighs any harm which these proposals might cause.

4.0 UPDATED SUMMARY and CONCLUSIONS

- 4.1 The application was submitted in June 2020 at a time of clear evidence of a national shortage of HGV parking and trucktop facilities. The Government were aware of the issue in 2020 highlighting the need for more lorry parking across the country in specific areas and has placed an emphasis on local authorities to plan for and meet this need.
- 4.2 Over the intervening two years awareness of the severity and implications of this shortage has increased due to a number of factors. The worsening situation has been recognised and reported on by Government through the DFT's *'Future for Freight: a long-term plan'* report and Written Ministerial Statements. Also, within this timeframe a shortage of HGV drivers has been acknowledged as contributing towards the supply chain issues and challenges experienced across the country, with clear links made to the lack of quality roadside facilities and parking for drivers. This shortage affects the logistics sector's role in the delivery of economic growth, a key plank of sustainable development.
- 4.3 There remains a clear need for additional HGV spaces in the area surrounding Hams Hall Distribution Centre which is explicitly considered to be a strategic location for distribution activities, and a major generator and focus of demand for lorry parking and overnight facilities. There have been no new approved facilities on or near to Hams Hall that provide overnight HGV parking and facilities since June 2020. Further logistics/distribution and other development has been approved or being planned in and around Hams Hall, further underlining the need to meet demand for lorry parking close to this part of the national shortage 'hotspot'.
- 4.4 In the absence of any new capacity or allocations to meet the need for HGV spaces and facilities, the problems associated with the lack of HGV parking and facilities outlined within this Statement are only likely to continue and worsen.
- 4.5 However, the new North Warwickshire Local Plan adopted in September 2021 and Policy LP34 sets a positive context in relation to decision-taking for development proposals providing lorry parking and facilities, with explicit recognition of the Borough's strategic context and role with regard to the distribution sector and transport network.
- 4.6 These are significant material considerations which weigh in favour of the development proposed.
- 4.7 The letter from the agents for the Hams Hall owner/operator (Cushman & Wakefield) highlights the issues experienced by the local community and operators of the Hams Hall estate due to the increasing number of HGVs parked improperly on the estate and is clear of the benefits that the proposals will bring in relieving these issues.

-
- 4.8 It is the Applicant's judgement that although the conclusions reached in the Planning Statement Addendum August 2020 remain valid, the new and updated material considerations outlined in this Addendum provide a stronger case in support of the development proposed in this application and a context which strongly supports the application being determined favourably. If not accepted as 'local transport infrastructure', the material considerations establish the very special circumstances to justify the development with the weight of these considerations outweighing the (limited) likely harm to the Green Belt.
- 4.9 There are no outstanding objections from any statutory consultee, including the Highways Authorities (Warwickshire County Council, and National Highways).
- 4.10 In the context of the Government's clear and recently stated direction and objectives in terms of improving the supply and standard of lorry parking as part of the challenges within the haulage industry, coupled with the positive planning context in relation to the provision of lorry parking facilities expressed locally through the policies of the new development plan, '*we must act now*' as stated by the Transport Minister speaking earlier this year.
- 4.11 In light of the updated assessment and planning balance provided in this Addendum, the application accords with the development plan with the overwhelming weight of material considerations in favour of the proposals.
- 4.12 Therefore, the Applicant respectfully requests that the planning application be approved without delay in accordance with the NPPF, and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Appendix One: Support letter from Cushman & Wakefield, September 2020

From: njgg@northwarks.gov.uk
Sent: 23 September 2020 13:56
To: planappconsult
Subject: Comment Received from Public Access

Categories: Mandy

Application Reference No. : PAP/2020/0295
Site Address: Land West Of Hams Hall Roundabout and south of Marsh Lane Curdworth
Comments by: Paul Delany

From:
N0.1
Colmore Row

Birmingham

B4 6AJ
Phone: 01217105709
Email: paul.delany@cushwake.com
Submission: Support

Comments: I work for Cushman & Wakefield who act as Managing Agents for and on behalf of Hams Hall Management Company who coordinate all matters affecting the common areas on Hams Hall distribution Park, Coleshill, West Midlands.

We have experienced over many years the increase in lorry traffic on this site to such an extent we have many lorries parking on the site that do not have any interest or requirement to be on this site. This has created road safety issues as we have limited capacity to manage such a large volume of lorries everyday for the existing occupiers. Now with the additional lorries using the site for parking this restricts movement on the main roads onsite and reduces sight lines therefore causing traffic and safety issues.

We have occupier employees walking to work across various routes that criss cross this site. Normally that is not an issue however with the large lorry movement and parking now affecting this site this places some of the pedestrian routes on and off this site with safety issues caused by parking on pavements, blocking roads and footpaths.

Lorries that are not meant to park onsite create extra refuse, damage and bring undesirables that causes problems to the local communities that adjoin this site as well as extra costs to Warwickshire County Council.

The new truck stop would relieve the pressure on this site and the M42 corridor that passes this site. It would provide an example to the whole area and nationally how areas could deal with lorries without placing extra pressure on commercial sites, road safety, and the community.

The truckstop would provide a better infrastructure use of this area and enable this site and others to plan for future expansion and necessary changes to routes, road safety, and occupancy levels.

Appendix Two: Hams Hall Photographs, September 2022

A sample of photographs taken on a drive along the main spine road of Hams Hall Estate around on Friday 30th September 2022. High numbers (in excess of 20) of HGVs were seen parked in the inside lane of Faraday Road, many with cab curtains drawn while drivers rest.







United Kingdom
Criminal targeting lorries are operating in this area.
If you are not of the vehicle lock your cab and leave your keys with your security office. If you are not of the vehicle lock your cab and leave your keys with your security office. If you are not of the vehicle lock your cab and leave your keys with your security office.

Hungary
A környék teherautók kirablásával foglalkozó bűnözők tevékenykednek.
Ha nem tartozunk a vezetőkhöz, kérjük, zárja le az ajtót, és vigye magával a kulcsait. - Parancsok betartásával kapcsolatos információkért kérjük, forduljon a rendőrséghez. - Ha nem tartozunk a vezetőkhöz, kérjük, zárja le az ajtót, és vigye magával a kulcsait.

Poland
Na tym obszarze grasują przestępcy napadający na ciężarówki.
Kiercy pojazdów proszą, zamknąć kabinę i zostawić za sobą kluczyki. - Proszymy o przestrzeganie zasad bezpieczeństwa. - Proszymy o przestrzeganie zasad bezpieczeństwa.

Romania
În această zonă operează infractorii care vizează tirurile.
Cănd plecați din zonă, închideți ușa și lăsați cheile în siguranță. - Pentru a evita orice incident, vă rugăm să respectați regulile de securitate. - Pentru a evita orice incident, vă rugăm să respectați regulile de securitate.

Turkey
Hedeflerinde triar olan suçlular bu bölgede faaliyet gösteriyor.
Araçlardan ayrışırken kabineleri kilitleyin ve anahtarlarınızı yanınıza alın. - Güvenlik kurallarıyla ilgili bilgiler için lütfen yetkililere başvurun. - Güvenlik kurallarıyla ilgili bilgiler için lütfen yetkililere başvurun.

Worcestershire POLICE **Emergency 999**
Non-emergency 101



Jeff Brown
North Warwickshire Borough Council
Council House
South Street
Atherstone
CV9 1DE

16th January 2023

Dear Jeff

Land off Marsh Lane, Hams Hall Application for a Proposed Truckstop – planning ref: PAP/2020/0295 – update re: local supply of HGV parking

Following our recent exchange of emails, I write with regard to a live planning application (hereby referred to as 'the application') seeking approval of a new HGV Truck Stop facility close to Hams Hall (ref: PAP/2020/0295 – *Land West of Hams Hall Roundabout and south of Marsh Lane, Curdworth*).

The following provides a response to the question raised in your email dated the 12th of December 2022 regarding any additional supply of HGV parking places since the submission of the application in June 2020. Your email sought an update regarding any new supply since then in the 'hotspot' area (Hams Hall to Dordon (around Birch Coppice)) identified within the National Survey of Lorry Parking Survey 2017, an area which is of direct relevance to the application given the site's location adjacent to Hams Hall. That request followed an earlier exchange with ourselves, and with the agents for another live application including HGV parking facilities close to Junction 10 of the M42 which underlined some consistency of opinion that the scale of the shortage is sufficient to justify more than one new facility, particularly given the distinct locations with each being very close to one of the key generators of HGV traffic in the hotspot area.

The email alludes to an increased supply of HGV parking places within the hotspot area and a number of sites were referred to; we have used these sites as a focus for our research (DIRFT, Corley M6 MSA extension, M42 Dordon Services, expansion of the Balsall Common site, and any provision within the Hams Hall Estate).

The following paragraphs address the amount of additional HGV parking that each site provides within the 'hotspot' area and provides an update on any changes since June 2020. As you will see below, some of the sites referred to in your email are well outside the hotspot area and in that regard irrelevant to an assessment of the shortage of HGV spaces in the vicinity of the subject site.

DIRFT – the 'hotspot' area is clearly defined in Figure 4.1 of the National Survey of Lorry Parking Survey 2017 (see full image below). The 'hotspot' area extends from Hams Hall to Dordon. Consequently, the site at DIRFT is located a considerable distance outside of the 'hotspot' and therefore any additional supply of HGV spaces at or near to DIRFT cannot be considered relevant to the supply of HGV spaces within the specified 'hotspot'. HGV parking at DIRFT does not play a direct role in helping meet the

Toll Bar House, Landmere Lane, Edwalton, Nottingham, NG12 4DG
Telephone: 0115 9845009 Email: admin@oxalisplanning.co.uk
Company registered in England and Wales: 7354959

urgent needs identified in and around Hams Hall and Birch Coppice – indeed, DIRFT is subject to a separate 'hotspot' designation as shown below.

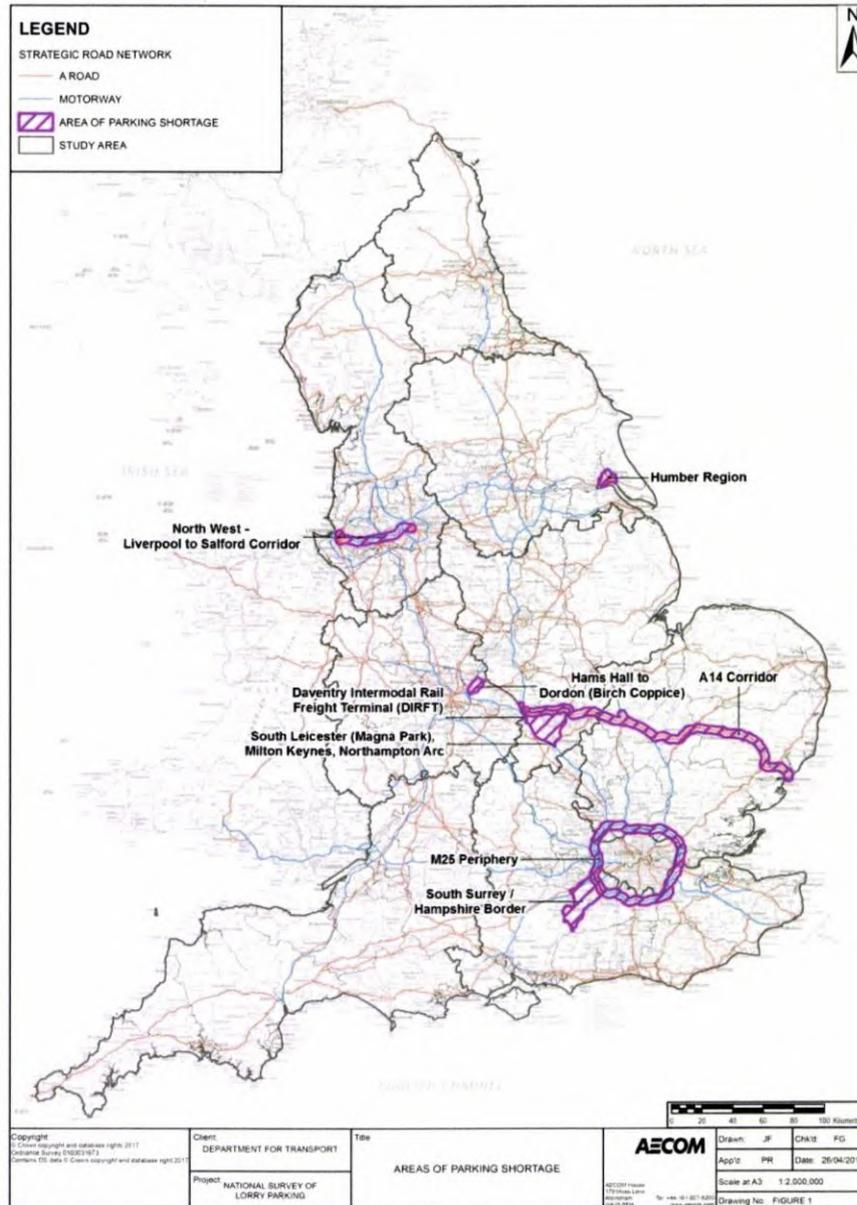


Figure 4.1: National Parking Shortage 'Hotspots'

Corley M6 MSA extension – as above, this site is located outside of the defined 'hotspot' area. Nonetheless, additional HGV spaces were approved at the Corley motorway services area (at appeal in October 2018) sometime before the submission of the application. As a result of timing, and location,

Toll Bar House, Landmere Lane, Edwalton, Nottingham, NG12 4DG
 Telephone: 0115 9845009 Email: admin@oxalisplanning.co.uk
 Company registered in England and Wales: 7354959

the HGV spaces approved at Corley cannot be considered relevant to the supply of HGV spaces within the 'hotspot' and formed part of the known supply at the time of submission of the application (so are not new or additional).

M42 Dordon Services – a proposal (ref PAP/2020/0224) to extend the current HGV lorry park at Dordon services was approved to provide an additional 38 HGV spaces, taking the total number of spaces at the services to 94. The application was approved in November 2020, and it is within the 'hotspot'. However, it is not clear whether the planning permission has been implemented, with evidence in the public domain suggesting it has not yet been brought forward. It is not clear as to when, or even if, the HGV spaces will actually be delivered. The Council's public access website includes no records of any of the pre-commencement conditions from the PAP/2020/0224 application having been discharged and the expiry date on the planning permission is later this year. At this current time no additional HGV spaces have been provided at Dordon Services since submission of the application, and there is no evidence of measures being taken to implement the planning permission at present.

Provision within the Hams Hall Estate – we are not aware of any planning applications proposing anything that would constitute a contribution towards the supply of HGV spaces or truckstop facilities within the Hams Hall Estate. As you are aware, we have previously engaged with the managing agents of the Hams Hall Estate who have confirmed they have no intention of providing on-site facilities, and who have supported the application at Marsh Lane. We are aware of the planning application submitted on Faraday Avenue at the Hams Hall Distribution Park (ref PAP/2022/0386) which proposes a change of use from former airport car parking to a flexible use and open storage, part of which will be for additional vehicle parking. The majority of the site will be used for open storage (B8 use) and the additional vehicle storage proposed does not constitute HGV parking and facilities/truckstop. It is not comparable with the development proposed through the application at land off Marsh Lane. We have been in contact with the agents for the PAP/2022/0386 application who confirmed that there is no intention of providing any overnight HGV spaces or facilities. There is nothing available in the public domain to contradict that position. Therefore, this site cannot be considered relevant to the supply of HGV spaces or truckstop facilities within the 'hotspot' as the application is not proposing any such parking or facilities

Balsall Common – it is unclear which specific site is being referred to. However, the existing well established Lincoln Farm Truckstop on the A452 is a relatively short distance from Balsall Common. There is nothing in the public domain to suggest additional supply has been proposed or approved, and we are not aware of any planning applications or permissions which propose additional HGV spaces or any expansion of that existing truckstop. Unless NWBC can direct is to another site, we are not aware of any other proposals for additional HGV spaces in Balsall Common.

From the sites mentioned above, two of those are located outside the 'hotspot' and on a different part of the motorway network thus they serve a different market and source of demand for HGV spaces and facilities. Therefore, additional HGV spaces delivered at those sites would be located too far away from the 'hotspot' to be considered relevant to addressing the severe shortages identified. In addition to this, there is no further provision of HGV parking facilities that would contribute towards increased supply of HGV spaces within the Hams Hall Estate and the letter received in support of the application from the managing agents of the Hams Hall Estate (Cushman & Wakefield) supports the view of additional need for HGV spaces in the area.

We are only aware of 38 additional spaces that can contribute towards the supply of HGV spaces in the 'hotspot' that have been approved since the submission of the application. To date, none of those 38 spaces have been delivered and it is not clear if this permission has or will be implemented. The additional 38 spaces approved since June 2020 within the 'hotspot' do not materially affect or change our view on the need for additional HGV spaces around Hams Hall. The need for the number of spaces proposed within the application remains, and the planning consent for only 38 HGV parking spaces can only have a minimal impact overall given the scale of need identified within the 'hotspot' and the demand for more HGV spaces and facilities.

Toll Bar House, Landmere Lane, Edwalton, Nottingham, NG12 4DG
Telephone: 0115 9845009 Email: admin@oxalisplanning.co.uk
Company registered in England and Wales: 7354959

The 38 spaces identified have been approved near to Dordon and as we have previously set out to you, there is an acute need for additional HGV spaces and facilities specifically around Hams Hall. As you are aware, it is our view that the severity of the shortage which triggered the 'hotspot' designation would suggest more than one new site is needed to address the current need and historic undersupply; a view that we know is shared by other promoters.

We believe that the case remains strongly in favour of this site being approved. In the intervening two years since the submission of the application awareness of the severity and implications of the shortage of HGV spaces has increased due to a number of factors, as summarised in the Planning Statement Addendum. This is further evidenced from the recent data within the *National Survey of Lorry Parking 2022 – Part One* which outlines that a shortfall remains in the provision of on-site parking facilities. It demonstrates that between 2017 – 2022 the on-site capacity of HGV parking capacity nationally has risen (by 12%) but also that the utilisation of this capacity has increased over the same time period from 76% to 83%. Utilisation refers to the number of vehicles parked at on-site lorry parking facilities against current capacity – the higher the utilisation, the more difficult it is for drivers to find parking spaces and the fuller those facilities are. This updated evidence demonstrates that although the supply of on-site facilities may be gradually increasing nationally, it is not keeping pace with demand and further supply is required.

The urgent need for additional supply in the hotspot areas clearly remains, and as set out, is actively and explicitly encouraged by national Planning Policy, various Ministerial Statements and other government strategies. This updated context was set out in detail in the Planning Statement Addendum November 2022, and this additional review of local supply is complementary to that Addendum. It remains our view that the application accords with the development plan with the overwhelming weight of material considerations in favour of the proposals, including due weight given to the clear and significant need for additional HGV spaces in the area surrounding Hams Hall.

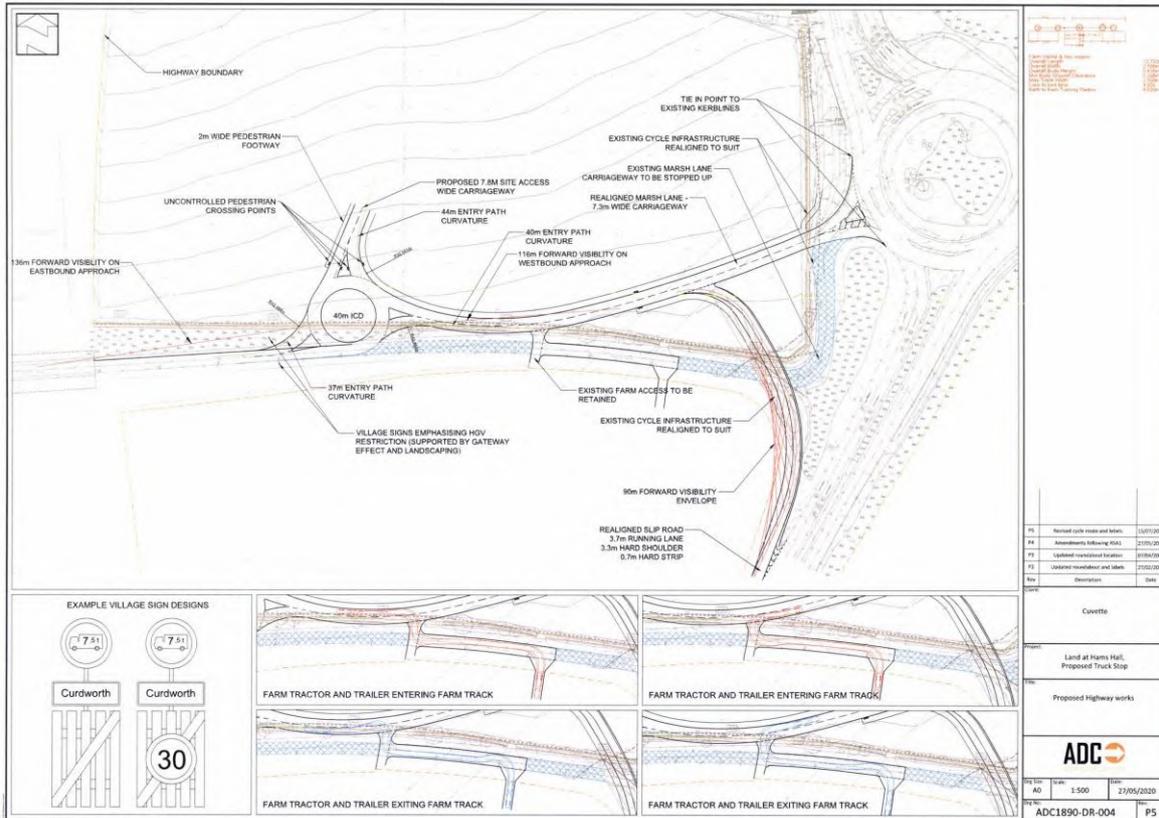
I look forward to hearing from you and to discuss matters further if necessary, but trust this response is of direct help in forming your recommendation to the Planning Committee.

Yours sincerely



Steve Harley
Director

Toll Bar House, Landmere Lane, Edwalton, Nottingham, NG12 4DG
Telephone: 0115 9845009 Email: admin@oxalisplanning.co.uk
Company registered in England and Wales: 7354959



1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

Rev	Description	Date
PS	Revised cycle route and signs	10/07/2020
PA	Amendments following RAG	21/05/2020
PI	Updated construction location	21/04/2020
PJ	Updated construction and signs	21/02/2020

Client	Coventry
Project	Land at Farms Hill, Proposed Truck Stop
Work	Proposed Highway works
Logo	
Scale	1:500
Date	23/05/2020
File No.	ADC1890-DR-004
Sheet	PS



The Road Haulage Association

Mr Jeff Brown
 Head of Development Control Service
 North Warwickshire Borough Council
 The Council House
 South Street
 Atherstone
 CV9 1DE

22 July 2020

Dear Mr Brown

Reference: PLANNING APPLICATION PAP/2020/0295
Land off Marsh Lane, Hams Hall – Application for a Proposed Truckstop

The Road Haulage Association is the trade association that works on behalf of the UK road transport operators, currently supporting in excess of 7,000 members representing 250,000 Heavy Goods Vehicles (HGVs). We liaise with the profession and represent its interests to Government, lobbying on issues that impact on the safe and efficient movement of goods by road across the UK.

I write in connection with the above planning application. This development would provide much needed additional safe truck parking spaces with associated infrastructure and facilities in a location where there is high demand for such a development. I wish to offer my support to the proposal, for the reasons outlined below.

- Hams Hall is located in a unique location in close proximity to two industrial estates, including Hams Hall which is a major distribution hub and located at a critical point on the Strategic Road Network (SRN), just off junction 9 M42
- High volumes of HGVs pass through Hams Hall and Birch Coppice industrial estates every day, and many of these HGV drivers require safe and accessible places to stop and rest and whilst having to wait for their timed delivery slots at distribution hubs.
- Hams Hall is located approximately 4 hours from Dover / Folkestone and Felixstowe and presents a logical and convenient place to stop when travelling north, east and west from the ports. It is a legal requirement for drivers to take their statutory rest breaks as stipulated by the Road Transport Working Time Regulations and Drivers' Hours Rules. The compliance with these regulations is subject to continuous monitoring and controls, which are carried out by the Driver and Vehicles Standards Agency (DVSA) and the Police on a national and international level.
- The location of the site is on a high volume traffic route, with many hauliers passing on their route from Bristol in the West, through the West Midlands Conurbation to the ports of Hull and Immingham in the North East as well as those driving east west across the country. With further growth aspirations for this East-West corridor development, the expansion plans for logistics parks located within the Golden Triangle – M1, M6, M42 / A5, these services are vital to the safety and security of drivers and their loads. The National Survey of Lorry Parking published in 2018 provides further background on this and demonstrates the vital strategic links for the freight industry. The report also identified the area of Hams Hall to Dordon around Birch Coppice as a "Parking Shortage Hotspot" where the shortage of lorry parking facilities is the most pronounced; the site is located within this national 'hotspot' area.

Road Haulage Association Ltd

The Old Forge, South Road, Weybridge, Surrey KT13 9DZ
 Chief Executive: Richard Burnett

www.rha.uk.net

• Tel: 01932 838 900 • Email: weybridge@rha.uk.net • Fax: 01932 854 526
 • Registered in England No: 391886 • VAT No: GB 232 4793 64



The Road Haulage Association

- The proposed new site would provide drivers with peace of mind when parking up. Truck drivers are becoming more concerned about their own safety and the security of their vehicles, particularly after the terrorist attacks in Nice & Berlin with the use of trucks.
- Lorry drivers need a variety of refreshments as well as well-maintained facilities such as showers and bathroom facilities at their stops, all of which would be available within this development.
- Almost three-quarters of goods movements are carried by road rather than by rail or water. We need to maximise the use of rail and water freight as part of making the UK's supply chain as efficient, clean, and safe as possible, but they can never replace road.
- The West Midlands performs a strategic role in terms of national distribution and logistics networks

The provision of safe and secure off-road parking facilities for HGVs on key transport corridors, alongside the provision of hygienic catering and bathroom facilities for HGV drivers is a major issue within the industry. The legislation relating to driver rest periods, combined with a proven lack of adequate rest facilities, creates safety and welfare issues for HGV drivers, where stops often have to be made in inappropriate locations. This also creates issues for local authorities across the country, particularly in areas of high road freight activity in and around the main motorways corridors and markets, such as Warwickshire. Local Authorities often have to deal with the consequences of HGVs parking within residential areas, industrial estates and in lay-bys, which include crime and security arising from theft from the vehicles, but also community complaints and in some circumstances environmental issues.

The RHA works hard with Government to highlight these issues and influence policy to address it. The Lorry Parking Audit and Demand Study, undertaken by AECOM for the Department of Transport in 2011, highlighted the key issues and lack of parking in this regard, concluding that the public sector should favourably view planning applications from the private sector for new or expanded truck stop and service facilities. These comments are further supported by the DfT National Lorry parking study published in 2018 and paragraph 107 of the National Planning Policy Framework 2018. Moreover, this has been recognised by the Secretary of State, The Rt Hon Grant Shapps and Minister for Road, Buses and Places, Baroness Vere of Norbiton in a recent letter to Richard Burnett the Chief Executive of the Road Haulage Association, copy attached.

This proposal is a positive step towards addressing the demand for higher quality facilities in Warwickshire from our members and will assist the local authorities in addressing some of the issues you are facing from inappropriate overnight parking.

The RHA fully supports this proposed investment at Hams Hall , which is located on a strategic transport corridor and international E-road network (E05) (E24) (E13); a location heavily used by HGVs supporting the logistics and storage/distribution sectors in the area. If the RHA can offer any further assistance to the local authority in its determination of this planning application then please do contact us.

Yours sincerely

Chrys Rampley
Manager Infrastructure, Security & Business Affairs

Road Haulage Association Ltd
The Old Forge, South Road, Weybridge, Surrey KT13 9DZ
Chief Executive: Richard Burnett

www.rha.uk.net
• Tel: 01932 838 900 • Email: weybridge@rha.uk.net • Fax: 01932 854 526
• Registered in England No: 391886 • VAT No: GB 232 4793 64

Jeff Brown

From: planappconsult
Sent: 23 September 2020 14:22
To: Jeff Brown
Subject: FW: Comment Received from Public Access

FYI

-----Original Message-----

From: nlp@northwarks.gov.uk <nlp@northwarks.gov.uk>
Sent: 23 September 2020 13:56
To: planappconsult <planappconsult@NorthWarks.gov.uk>
Subject: Comment Received from Public Access

Application Reference No. : PAP/2020/0295
Site Address: Land West Of Hams Hall Roundabout and south of Marsh Lane Curdworth
Comments by: Paul Delany

From:
NO.1
Colmore Row

Birmingham

B4 6AJ
Phone: 01217105709
Email: paul.delany@cushwake.com
Submission: Support

Comments: I work for Cushman & Wakefield who act as Managing Agents for and on behalf of Hams Hall Management Company who coordinate all matters affecting the common areas on Hams Hall distribution Park, Coleshill, West Midlands.

We have experienced over many years the increase in lorry traffic on this site to such an extent we have many lorries parking on the site that do not have any interest or requirement to be on this site. This has created road safety issues as we have limited capacity to manage such a large volume of lorries everyday for the existing occupiers. Now with the additional lorries using the site for parking this restricts movement on the main roads onsite and reduces sight lines therefore causing traffic and safety issues.

We have occupier employees walking to work across various routes that criss cross this site. Normally that is not an issue however with the large lorry movement and parking now affecting this site this places some of the pedestrian routes on and off this site with safety issues caused by parking on pavements, blocking roads and footpaths.

Lorries that are not meant to park onsite create extra refuse, damage and bring undesirables that causes problems to the local communities that adjoin this site as well as extra costs to Warwickshire County Council.

The new truck stop would relieve the pressure on this site and the M42 corridor that passes this site. It would provide an example to the whole area and nationally how areas could deal with lorries without placing extra pressure on commercial sites, road safety, and the community.

The truckstop would provide a better infrastructure use of this area and enable this site and others to plan for future expansion and necessary changes to routes, road safety, and occupancy levels.



Mr J Brown
 North Warwickshire Borough Council
 Council House
 South Street
 Atherstone
 Warwickshire
 CV9 1DE

Our Ref: let.015.DH.JB
 8 November 2022
 CONFIDENTIAL

Dear Jeff,

Application Ref: PAP/2020/0295 - Land at Marsh Lane, Curdworth

I write in relation to the above planning application ref: PAP/2020/0295 ('the J9 scheme') and further to representations made by WSP, on behalf of Hodgetts Estates (HE), in our objection letter dated 25 January 2021. WSP is the planning agent for proposals submitted by HE at Land North East of Junction 10 of the M42, North Warwickshire ('Land NE J10 M42' or 'the J10 scheme'), application ref: PAP/2021/0663.

This letter has been prepared in light of new information submitted by the applicant, including the Planning Statement Addendum (October 2022) and in response to the email correspondence from Oxalis Planning (the applicant's agent) to NWBC (dated 9 February 2021) that you have provided us with given that the subject of the correspondence was the aforementioned letter dated 25 January 2021.

Having reviewed the Planning Statement Addendum and the Oxalis Planning correspondence, we wish to make a number of important points and observations that NWBC must consider in the determination of the J9 scheme.

Need case

We agree with Oxalis Planning's statement that there is sufficient scope and need for both schemes to operate in close proximity (email correspondence dated 9 February 2021, **Appendix A**), especially given the significant quantum of logistics floorspace / logistics hubs in both locations. However, we disagree that the greatest need is at Junction 9. The Department for Transport's (DfT) National Survey of Lorry Parking 2017¹ identifies "*Hams Hall to Dordon (around Birch Coppice)*" (my emphasis underlined) as being a particular parking shortage 'hotspot'. The survey does not disaggregate areas of greater or lesser need within that hotspot. Furthermore, the survey identifies the utilisation rate at Moto Tamworth MSA as being 'critical', with a utilisation rate of 92% back in 2017².

¹ National Lorry Parking Survey (2017), page 39 - <https://www.gov.uk/government/publications/national-survey-of-lorry-parking>

² National Lorry Parking Survey (2017), page 94, Table 5.47: Onsite utilisation - <https://www.gov.uk/government/publications/national-survey-of-lorry-parking>



In terms of assessing need, the Oxalis Planning correspondence (dated 9 February 2021) points to anecdotal evidence from discussions with Members regarding the need at Hams Hall and only one night time lorry parking beat survey was conducted as part of the need case for the development, identifying a 89 HGVs parked inappropriately. By comparison, the J10 scheme is supported by an HGV Parking Facility Need Assessment which comprised, amongst other qualitative and quantitative evidence, parking beat surveys being undertaken on three consecutive nights to align with the methodology adopted by the DfT in the National Survey of Lorry Parking 2017 identifying an average of 114 HGVs parked inappropriately each night. We also dispute the contention that the parking beat survey for the J9 scheme demonstrates that the situation regarding a shortage of HGV parking was worst around Hams Hall, given the beat survey did not survey north of Kingsbury Link and therefore did not assess the Junction 10 area.

The J9 scheme also relies on a letter of support from the Road Haulage Association (RHA) (dated 22 July 2020). The letter from DfT appended to the RHA letter, which refers broadly to the problems with the supply of and demand for lorry parking as indicated in the DfT National Survey of Lorry Parking, equally applies to the J10 scheme and so cannot be cited as justification for Green Belt release, unless NWBC categorically confirms there is a need for both sites.

The J10 scheme also benefits from a letter of support from the RHA and, furthermore, has received letters of support from Logistics UK, National Vehicle Crime Intelligence Service (NaVCIS) and Warwickshire Police, among others, all pointing towards the significant opportunity that the J10 scheme presents in terms of addressing the chronic issues of inadequate lorry parking provision and facilities and the associated criminal and anti-social behaviour and, more broadly, the negative perception of the freight industry. Indeed, the letter from the RHA notes *'The A5 in particular is one of the Midlands' most important east-west road corridors'* and goes on to state that *'The importance of appropriate lorry parking facilities on this road corridor cannot be understated.'* Furthermore, the letter from NaVCIS states that *'the site is uniquely located on Junction 10 M42 (north to south) and with direct access onto the A5 trunk road (east to west)'* and that *'The specific location is identified as having a critical undersupply of lorry parking provision'*.

Additionally, the Environmental Statement associated with Phase 2b of the HS2 scheme³ confirmed that Tamworth Moto services is *'in a unique location based on the volume of traffic and its ability to integrate with the road network at Junction 10'*. This uniqueness of Junction 10, the close access to both the M42 motorway and A5 trunk road, applies equally in relation to the J10 scheme as far as the proposals for an overnight lorry parking facility is concerned.

The ability for the J10 scheme to meet the need for large-scale overnight lorry parking provision is therefore clearly established.

Alternative sites assessment

It is an established principle in planning that strategic policy making authorities, in considering whether to take land out of the Green Belt to allow development, should only do so where exceptional circumstances have been demonstrated. The National Policy test in NPPF paragraph

³ High Speed Rail (Crewe to Manchester and West Midlands to Leeds) Working Draft Environmental Statement Volume 2: Community Area report LA01: Lea Marston to Tamworth (paragraph 12.4.12, page 188) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745209/H2_Phase_2b_WDES_Volume_2_LA01_Lea_Marston_to_Tamworth.pdf



141 requires authorities to be able to demonstrate that it has fully examined all other reasonable options of meeting the identified need before releasing Green Belt land. Given the status of Green Belt and its permanence, the authority must be fully satisfied that all reasonable alternatives have been considered.

At planning application stage, as with the Marsh Lane site, to allow development in the Green Belt, very special circumstances must be demonstrated to justify development. Underpinning such a case is an 'alternative sites assessment', discounting all sequentially preferable sites which could accommodate the need outside the Green Belt. Failure to conduct such an exercise should normally result in refusal of planning permission. Where such an exercise identifies an available and suitable alternative site outside the Green Belt, very special circumstances cannot be relied on.

The requirement for an alternative sites assessment involving proposals for development in the Green Belt is a significant material consideration and is also supported by the combination of Secretary of State decisions and appeal decisions summarised below (also appended to this letter):

- APP/V4250/N/20/3253242 – Tritax Symmetry, Land at Junction 25 of the M6 Motorway, Wigan (**Appendix B**)
 - The Secretary of State noted that there is '*broad consensus [between applicant and Council] that there are no suitable alternative sites in the Borough that could accommodate the proposed development*' – a position only reached because an alternative sites assessment was undertaken in support of the application.
- APP/M0655/W/19/3222603 – Liberty Properties & Eddie Stobart Ltd, Land at Barleycastle Lane, Warrington (**Appendix C**)
 - The Secretary of State again notes that the applicant has demonstrated that no other sites can be deemed suitable and available alternatives to the appeal/application site – as above, a position that could only have been reached because of the alternative sites assessment being undertaken in support of the application.
 - Furthermore, the Inspector's Report associated with the appeal notes that "*the Council accepts that the availability of alternative sites is, in principle, capable of amounting to a material consideration*" (Inspector's Report, paragraph 272).
- APP/A0665/W/18/3203413 – Castleoak Care Development Ltd, Beechmoor Garden Centre, Chester (**Appendix D**)
 - The Inspector notes and comments on the alternative sites assessment that supported the applicant/appellant's assertion that there are no alternative non-Green Belt sites that could accommodate the development, concluding that '*substantial weight is given to the evidence relating to alternative available sites*' (Inspector's Report, paragraph 50).

Considering the above, it must be demonstrated through an alternative sites assessment that there are no reasonable alternatives available to meet the need if Very Special Circumstances are to be made for releasing Green Belt land. If alternative sites are available to meet a demonstrable need, there cannot be Very Special Circumstances to justify the use of Green Belt land. In such a scenario the only case would be if the need required more than one site.



Oxalis Planning in its alternative sites assessment (completed 2021) has discounted Land NE J10 M42 not because it is unsuitable for lorry parking, rather as they considered the site to be providing replacement lorry parking for Tamworth MSA. This was on the basis that, at the time, it was envisaged that HS2 Phase 2b would cut through the current MSA, requiring the facility to be relocated. Land NE J10 M42 has since been subject to application ref: PAP/2021/0663 which includes proposals for a 150 space overnight secured lorry parking facility. As such, Oxalis Planning's alternative sites assessment must be reconsidered in light of the above which clearly confirms there is an alternative site available. The latest planning statement update for the J9 scheme does not update the alternative sites assessment and does not refer to the J10 scheme. As the Council must make a planning decision based on up to date information, for a sound recommendation to be made the applicant for the J9 scheme must address the J10 scheme in its alternative sites assessment, even if they conclude that it is available but there is need for both sites.

Fundamentally, Land NE J10 M42 must be considered as an alternative site as it is being promoted as a suitable and available site for the same lorry parking use sought by the J9 application. Furthermore, the J10 scheme cannot be discounted simply because it forms part of a mixed use planning application as that does not preclude the site from being available for a dedicated overnight lorry park in the future.

Cumulative impact on the Green Belt

In addition to the requirement for a thorough alternative sites assessment, the LPA should give consideration to the cumulative impact of the J9 scheme and other nearby schemes on the openness and permanence of the Green Belt. The applications set out below are material to determination of the J9 scheme:

- Application ref: PAP/2021/0562 – Solar PV scheme - Applicant: Department for Environment, Food and Rural Affairs (DEFRA)⁴
- Application ref: PAP/2021/0473 – Battery Storage Facility – Applicant: Welbar Energy Storage⁵
- Application ref: 2019/00108/PA (submitted to Birmingham City Council) – Peddimore – Applicant: IM Properties & Birmingham City Council⁶

Given the scale and proximity of these consented schemes, which would result in significant portions of the Green Belt being released, NWBC must fully consider the cumulative impact of the J9 scheme on the Green Belt, particularly when considering the existence of a suitable and available alternative site located outwith the Green Belt.

⁴ PAP/2021/0562 - <http://planning.northwarks.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122441>

⁵ PAP/2021/0473- <http://planning.northwarks.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122050>

⁶ 2019/00108/PA -

<https://eplanning.birmingham.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=982186&XSLT=/Northgate/PlanningExplorer/SiteFiles/Skins/Birmingham/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer/SiteFiles/Skins/Birmingham/Menus/PL.xml&DAURI=PLANNING>



Summary

Ultimately, as Land NE J10 M42 is an available alternative site, the J9 alternative sites assessment must be revised to address this before the Council can properly determine that application.

If the council accepts there is only a need for one lorry parking facility, then given the above, both planning applications must be determined at the same time in order to properly establish whether VSC exist. If Land NE J10 M42 is not properly considered in the alternative sites assessment as Secretary of State decisions require, it would cut to heart of the lawfulness of any decision.

If the Council accepts there is a need for two lorry parking facilities, then if it takes the J9 scheme to Planning & Development Board (P&DB) in advance of J10 scheme, to ensure that Members are fully informed of all relevant material considerations, the Board report must explicitly state that:

- the Council accepts the need for both sites;
- then notes that Land NE J10 M42 is an alternative site outside the Green Belt; however
- the weight to be afforded to the need case for the J9 scheme amounts to the Very Special Circumstances based on the weight applied to the need. This weight would equally apply to the J10 scheme.

Application ref: PAP/2021/0663 at Land NE J10 M42 has been processing for almost one year and the limited technical matters still to be resolved are likely to be resolved in the next few months, which would allow it to proceed to determination at P&DB within a reasonable timeframe.

I trust you will give the contents of this letter full consideration and would be grateful for a response at least two weeks prior to the J9 planning application ref: PAP/2020/0295 being taken to P&DB for determination, to allow time for your response to be considered in advance of the publication of any P&DB agenda and report and to allow us sufficient time to prepare for the P&DB meeting, where we reserve our right to speak.

Yours Sincerely

Doug Hann
Director

Curdworth Parish Council

47 St Pauls Crescent, Coleshill, Birmingham, B46 1BB
Tel : 01675 463707 or 07503 002948
Email : curdworthpc@hotmail.com

31st August 2020 (via email to jeffbrown@northwarks.gov.uk)

Mr. Jeff Brown
Head of Development Control
North Warwickshire Borough Council
Planning Division
The Council House,
South Street,
Atherstone,
Warwickshire, CV9 1DE

Dear Mr Brown

**Land West of Hams Hall Roundabout and South of Marsh Lane, Curdworth
Outline planning application PAP/2020/0295 received 16th June 2020**

I write to advise you that at their meetings of 13th July and 10th August 2020, Curdworth Parish Council resolved unanimously to OBJECT to application PAP/2020/0295; the outline planning application for a truck stop in Curdworth parish.

In their deliberation of the application as presented, several planning considerations were taken into account in respect of 'material planning considerations' and 'green belt harm'. The Parish Council are of the view that the applicant's reasoning in support of 'special circumstances which would permit development on green belt land' was flawed and fails any form of a 'litmus test'.

The Parish Council feels that this development proposal would be harmful to the green belt by virtue of its inappropriateness. In considering this, the Parish Council noted that the proposal indicated there would be permanent structures such as underground fuel tanks, drainage, water, gas, electric, and other services. In addition to these, there would be permanent above ground structures such as shops, restaurants, pumping stations, wash and restrooms, toilets, hardstandings and other pavements, security lighting, signs

Page 1 of 8

and more, as well as fencing, barriers and gates to achieve desired security levels. All of these structures are deemed by the Parish Council to be inappropriate and harmful to the green belt land.

The Parish Council is concerned about the significant visual impact the proposal will have, as well as noise and light pollution. It does not feel that the proposed mitigation will address these concerns. The development is sited off Marsh Lane and is accessed from Marsh Lane by major highway alterations. The provisions would permanently destroy the current visual impact of this single access and egress route in and out of the village.

Residents and visitors to the parish use this single access/egress route on a daily basis. The openness of the route through this valuable Green Belt land gives an excellent rural aspect that the Parish Council wishes to be retained for current and future enjoyment.

Of additional concern to the Parish Council is the traffic impact on the green belt should this development go ahead. Based on the information given within the proposal, it has been calculated that it will generate an additional 1000 vehicle movements per day. These movements in Marsh Lane, Curdworth, will cause 44 per hour or one every 1 minute 45 seconds within every 24 hours. Plus, the 1100 estimated daily vehicle movements conveniently ignored by the applicant caused by HS2 traffic utilising J9 of the M42; the A446 in both directions approaching Hams Hall Island and aside of Faraday Avenue on the temporary haul routes between 2020 and 2033 (estimated).

Not only would the changes to the road infrastructure change the character of the village and parish, it would also cause traffic congestion that would severely impact the parish, compromise local road safety, and would create a totally unacceptable situation.

As part of the increase in vehicle movements, consideration has to be given to emission levels. After announcing a climate emergency, the Government has stated it aims to have zero emissions and to achieve this there needs to be a balance of green parcels of land alongside major transport networks in order to mitigate pollution. The proposed location for this development sits adjacent to the M42/M6T, the A446 Lichfield Road, and the new HS2 route.

Arising, we state that these are all major networks that contribute to poor air quality in the parish of Curdworth and there should be no further developments which would increase the level of air pollution. There is also a large amount of evidence based research which highlights the negative impact these emissions have on personal health and wellbeing, as well as the local environment.

In addition to the above the Parish Council wishes to know if the Warwickshire Police Authority are one of the consultees. The Parish Council feels this must be an important part of the consultation process as evidence based research nationally has confirmed that similar developments have resulted in increased crime levels and anti-social behaviour.

Finally, the Parish Council would like to draw your attention to the 2017 AECOM National Survey of Lorry Parking carried out for the Department for Transport, published in 2018. This report highlighted the need for a truck stop within the Hams Hall to Dordon area, and "around Birch Coppice" was suggested (Pages 39/111 and 40/111 refer from Section 4.2 of the report). Curdworth parish was not identified as a suitable location.

For information purposes we enclose notes of our deliberations. These are attached and enumerated as pages 3 to 7.

Should you wish to discuss further any part of this response please do not hesitate to contact me.

Yours sincerely

Louise Baudet
Clerk to Curdworth Parish Council

APPLICATION FORM dated 12th June 2020

Confirms:

1. Q6 the site is currently "Agricultural"...acknowledges site to be in green belt land
2. Q8 parking for 230 vehicles (200 HGV's + 30 cars) affects traffic flows
3. Q9 no materials to be used externally ? don't understand
4. Q10 foul sewage to be connected to existing drainage system ? is there one
5. Q11 storm drainage to be ultimately connected to existing drainage system
6. Q12 trees and hedgerows on the site to be important and influential...
7. Q13 Biodiversity on land adjacent or near the site will be affected; protected and prioritised species
8. Q14 No requirement for any storage or collection of waste facilities.....Really?
9. Q16 structures with a gross internal area of 415m² (4467 sq/ft.) being constructed
10. Q18 facility to be open 24/7/365 (24 hrs per day every day including weekends and public holidays)
11. Q19 NO plant, ventilation, or air conditioning equipment being installed.....Really?
12. Q20 NO hazardous substances being stored.....Really? (fuel/oils/etc)
13. Q21 NO trade effluent to be removed Really? (vehicle wash / oil spills etc)
14. Q23 Last pre-application advice being given by NWBC on 26th September 2020 ..Really?

NORTH WARWICKSHIRE BOROUGH COUNCIL CORE STRATEGY

Adopted 9th October 2014

Spatial Portrait

2.2 Curdworth Parish Council agrees that North Warwickshire is a rural Borough with “an open character that is unique” We state:

“The Green Belt land bound by the M42 to the west, the A446 Lichfield Road to the east, and M42 J9 to the north and the River Tame to the south is a triangular land area that is highly valued by Curdworth Parish Council, its residents and its visitors not only as a visual amenity, but as an open space, and as a relative oasis of calm for all who use Marsh Lane as their only eastern and southern access to and from the village.

The importance of this statement cannot be understated.

Within this triangular land area, the applicant site is situated within two parcels of land, to the north and south of Marsh Lane in Curdworth parish.

Curdworth Parish Council expects North Warwickshire Borough Council to reject this application and thereby retain the distinctive character of this land area identified above that lies to the north and south of Marsh Lane, as a contributor to the high quality of life currently enjoyed by Curdworth residents and visitors.

Furthermore, this application fails to recognise the impact HS2 will have on J9 of the M42 (already at saturation point) as well as the A446 north and south of Hams Hall Island, the roundabout itself and Faraday Avenue which is the only access to and from Hams Hall Business Park.

Strategic Objectives

4.1.7 Curdworth Parish Council expects North Warwickshire Borough Council to respect the statement “to protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough” by rejecting this application.

- Curdworth is recognised in the Domesday Book of 1086
- The triangular land area in which the application site is located extends down to the Rive Tame. By association this land area is adjacent to the Tame Valley wetland and it also has historical interest and connection to the Civil War ,where historical records indicate that one of the first skirmishes of the Civil War took place on this development land as it did at Curdworth Parish Church.

Spatial Strategy

6.2 Curdworth Parish Council expects North Warwickshire Borough Council to advise the applicant that since the publication of the AECOM National Survey of Lorry Parking published in January 2018 (a principal influencer behind this application), the previously identified parking shortage hotspot between Hams Hall Business Park, and Birch Coppice Business Parks now benefits from more than 216 additional HGV parking spaces that have been provided in locations along the strategic road network surrounding this application site that are within the approximate 28 miles or 30 minutes time-frame travel distance from the previously identified parking shortage hotspot between Hams Hall Business Park and Birch Coppice Business Parks.

- In addition, local research reveals there is now one “closed and/or redundant parking facility” on Hams Hall Business Park plus three other under-utilised parking facilities within this Business Park to take up any increase in demand.
- Furthermore, and in addition to all of the foregoing, there are eight more truck stops and lorry parks within approximately 30 minutes of this application site
- Notwithstanding all claims within the applicant’s proposals, Curdworth Parish Council wishes to advise North Warwickshire Borough Council, that current HGV parking in Curdworth parish is not a problem as stated being merely HGV’s waiting to offload or load.

6.2/6.3 Curdworth Parish Council expects North Warwickshire Borough Council to respect Core Strategy NW2 Category 4, and the draft Curdworth Neighbourhood Plan that does not recognise this applicant site to be within the permitted development boundary.

Green Belt Core Policy

7.2 Curdworth Parish Council expects North Warwickshire Borough Council to respect Core Strategy NW3 and this stated clause by reinforcing the statement “*it is considered that developments can be catered for outside of the Green Belt without the need to consider any review of Green Belt boundaries Further, no changes will be considered until the implications of the HS2 route and land grab can be fully assessed.*”

7.51 Curdworth Parish Council expects North Warwickshire Borough Council to respect Core Strategy NW10.1 and this stated clause by reinforcing the statement “*Development should be targeted at using brownfield land in appropriate locations*”

Similarly, Curdworth Parish Council expects North Warwickshire Borough Council to respect Core Strategy NW10.9 by reinforcing the statement “*development should not compromise the ability of future generations to enjoy the same quality of life*”

This proposal, *inter alia*, will have a detrimental impact on Curdworth by generating excess noise, light, fumes and other forms of pollution such as litter.

7.59 Curdworth Parish Council expects North Warwickshire Borough Council to reject this application as it is known that Truck Stops located elsewhere in the UK have created opportunities for criminal activities to increase.

7.63 Curdworth Parish Council expects North Warwickshire Borough Council to respect NW12. This application does not or will not:

- 1) Positively improve the site's character, appearance, and environmental quality of this vitally important land area within Green Belt land
- 2) Deter crime
- 3) Sustain or preserve the historic and current environment of this site

7.64 Curdworth Parish Council expects North Warwickshire Borough Council to reject this application because it breaches connectivity with the current landscape

7.68 Curdworth Parish Council expects North Warwickshire Borough Council to reject this application because this application does not protect the quality, character, and local distinctiveness of the natural environment as confirmed by the extensive mitigation proposals the applicant provides for the legacy of his development in respect of:

1. The applicants proposed revisions to the existing landscaping - The Landscaping and visual appraisal*,
2. The applicants noise impact assessments
3. The applicants transport impact assessments
4. The applicants Air quality Assessments
5. The applicants Lighting reports
6. And finally the applicants flood risk and drainage assessments

7:75 *Within Curdworth Parish the applicant site and its immediate environs is regarded as a biodiversity asset

In respect of NW15, Curdworth Parish Council expects North Warwickshire Borough Council to reject this application because this development will damage the existing habitats.

NATIONAL POLICY PLANNING FRAMEWORK

Adopted February 2019

SECTION 13 – PROTECTING GREEN BELT LAND

Curdworth Parish Council expects North Warwickshire Borough Council to reject this application in respect of:

1. Para 134(c): the proposal seeks to encroach on Green Belt land
2. Para 136: there are no exceptional circumstances within the application to substantiate any form of alteration to the current Green Belt boundary
3. Para 137: As it is the applicant who is attempting to demonstrate the unavailability of land to justify his proposal and encroachment on to Green Belt land, why has the applicant made no reference, to the four vehicle parking areas already on Hams Hall Business Park, nor to the ten/eleven additional truck stops within approximately 30 minutes of the applicant site by using the adjacent strategic road network, nor to other new and similar developments since the national survey of lorry parks was completed in 2017
4. Para 138: Because of the rural nature of this Green Belt site on land situate in Curdworth Parish, it is to be noted that this site is not served by public transport.
5. Para 141: The applicant site is within Green Belt land. North Warwickshire Borough Council have a duty to retain landscapes, visual amenity, and the biodiversity.
6. Para 143: The development proposal is an inappropriate development that is harmful to this Green Belt land:
“We consider that this proposal is inappropriate as there will be below and above ground structures that create permanent installations such as buildings, fuel filling stations, below ground drainage, below ground fuel tanks, and other services, as well as highway alterations, and internal roads and vehicle parking areas and other hard standings that will create a legacy of despair for the adjacent community and the more immediate habitats and species affected by such a disruption”
7. Para 146: If granted this development will not preserve the openness that currently prevails for this site
 - *It is to be noted that the adjacent multi-laned motorway lies within a deep cutting topped by trees and hedgerows on both sides. The vista of openness is complete as the motorway cannot be seen from the middle of the applicant site, only on the curtilage.*

Curdworth Parish Council

47 St Pauls Crescent, Coleshill, Birmingham, B46 1BB
 Tel : 01675 463707 or 07503 002948
 Email : curdworthpc@hotmail.com

SA/RH

16th December 2022

(via email to jeffbrown@northwarks.gov.uk)

Mr. Jeff Brown
 Head of Development Control
 North Warwickshire Borough Council
 Planning Division
 The Council House,
 South Street,
 Atherstone,
 Warwickshire, CV9 1DE

Dear Mr Brown

**Land to the West of Hams Hall Roundabout and to the North and South of Marsh Lane,
 Curdworth, North Warwickshire
 Outline planning application PAP/2020/0295 received 16th June 2020**

Further to our meeting with you on the 9th of December, I write to advise you that at our full council meeting held on the 12th December 2022, Curdworth Parish Council resolved unanimously to continue to OBJECT to this application (PAP/2020/0295); the outline planning application for a lorry park and truck stop in Curdworth parish.

Notwithstanding the cross referencing to clauses within your Local Plan and the NPPF that were current at the time of writing in 2020, we ask you to accept in good faith the principles and legitimacy of all statements included within that correspondence of 31st August 2020 to still be relevant in commentary to the equivalent policy statements included within your NWBC Local Plan of September 2021 and the updated NPPF of July 2021.

In our deliberation of the Applicant's latest Planning Statement Addendum received by you on or around the 20th October 2022, We re-affirm our objections under 5 principal issues:

1. **GREEN BELT:** When it has gone it has gone. The NWBC Local Plan adopted in September 2021 **clearly identifies the proposal to be in designated green belt land without condition.** Whatever external pressures there may be for you to grant approval this site not only requires considerable improvement work to a 'D' classification lane for access but is also on one of the two principal ingress and egress routes that service Curdworth village. The applicant site is on green belt that is located to the west of the A446 Lichfield Road dual carriageway; not to the east classified within your Local Plan as future 'employment land'. The exceptional circumstances towards you seeking approval proffered by the applicant should not only be dismissed for being an inappropriate development within Green Belt Land but also be dismissed for our reasoning within points 2 to 5 below:

2. **ENVIRONMENTAL ISSUES:** We have already commented to you regarding the lack of information provided in answer to legitimate environmental questions on the application form about proposed permanent structures. We reiterate those concerns.

We have a concern that the applicant's environmental and mitigation proposals particularly in respect of noise, air pollution, and carbon footprint, are projected and possibly benchmarked incorrectly. This is a view shared by legal advisors specialising in environmental issues.

Should you approve this application we will challenge the approval for lack of information relating to the cumulative carbon impact upon Curdworth parish of all current and future traffic assessment proposals at Junction 9 of the M42; also along the A4097, the A446, along Marsh Lane and the M42/M6(T) – we will need calculations to satisfy our community.

3. **HIGHWAYS and TRAFFIC:**

OXALIS have confirmed that National Highways are intending to upgrade and improve Junction 9 of the M42. Arising, Oxalis have also confirmed that Warwickshire County Council (WCC) Highways have no objections to the applicant's design proposals subject to their usual caveats and/or conditions.

- Do you know when these Junction 9 improvements are planned to commence?
and
- Do you know the scope of these improvement works?

If these works are 'major' to pick up increasing traffic flows from/to the Peddimore development and the 6000 new homes along the A38 corridor, let alone (unable to be substantiated) increases in traffic volumes 'related to HS2 traffic' until around 2033 and even beyond, we advise that should this application be approved by you, our research shows no such planned works within the 2020-2025 National Highways RIS2 programme. Currently bids are being prepared for 2025-2030 RIS3 programme – will these improvement works be within this time frame?

However, should these improvement works be 'minor' such as a white lining lane control exercise then approval of this proposal will do nothing but heap more misery on users of this often-gridlocked motorway interchange junction.

We hope common sense will prevail. We have very substantial highways and increased traffic volume concerns.

Should you recommend approval of this application this application be approved, may we respectfully request for you **to make the National Highways completion of improvement works to Junction 9 of the M42 to be a 'GRAMPIAN CONDITION' within your approval notice.**

In respect of traffic assessment, we re-assert that the calculations included in the application to be incorrect.

One assessment of ours concludes the figures could be potentially 250% out which is not unsurprising given many recent errors with design purposes based on incorrect traffic modelling calculations.

We challenge the support figures included within this application and consider that a reappraisal of future traffic flow is undertaken and very necessary for you to reach correct determination about this application.

- 4. ALTERNATIVE SITE ASSESSMENT:** We re-affirm everything that we have written about this subject before now.
We remain despondent that the applicant conveniently has chosen to ignore many of the alternative sites that are not just available within the Birch Coppice to Hams Hall area but also within a 28 mile radius of the applicant site.
This is key for the applicant has perhaps downgraded his argument of supporting increased lorry parking facilities specifically stated within the DfT Report of 2018 to that of reliance upon voracious support from the managing agents for Hams Hall, Cushman and Wakefield plc.
Cushman & Wakefield are known throughout the world. It is one assertion that through their ownership and commercial activities, they have too many conflicts of interest links with the applicant's ultimate owners for this support to carry any weight.
The applicant seemingly fails to recognise that since publication of the AECOM National Survey of Lorry Parking for the DfT in January 2018, (a report that identified a need for 218 additional parking spaces required to meet future demand), there has been almost double the number of off-road lorry parking spaces in truck stops provided since that time in different locations all within the 28-mile radius from the applicant site.
Lastly, we restate that to call this application 'the HAMS HALL site' is a complete misnomer.

- 5. IS THIS PROPOSAL 'LOCAL TRANSPORT INFRASTRUCTURE'?** Since writing to you in August 2020, we have supplied you with a legal opinion that we obtained in support of our belief that the applicant's argument is wrong for this proposal to merit development within green belt land on the grounds of being one of necessary local transport infrastructure. We stand by this belief.

Finally, we are not persuaded by their arguments citing the precedent of Cobham. (Paras. 3.30 and 3.31) as a reason for approval.

If you recommend approval of this application, you might as well tear up the green belt policy included within the NWBC (so very hard fought for) local plan adopted in 2021

In consideration of everything that has been written about this application, including the number of objections we know that you have received, **we implore you to recommend rejection of this application.**

Should you wish to discuss further any part of this response please do not hesitate to contact me.

Yours sincerely



pp Steve Allcock
Chairman
Curdworth Parish Council



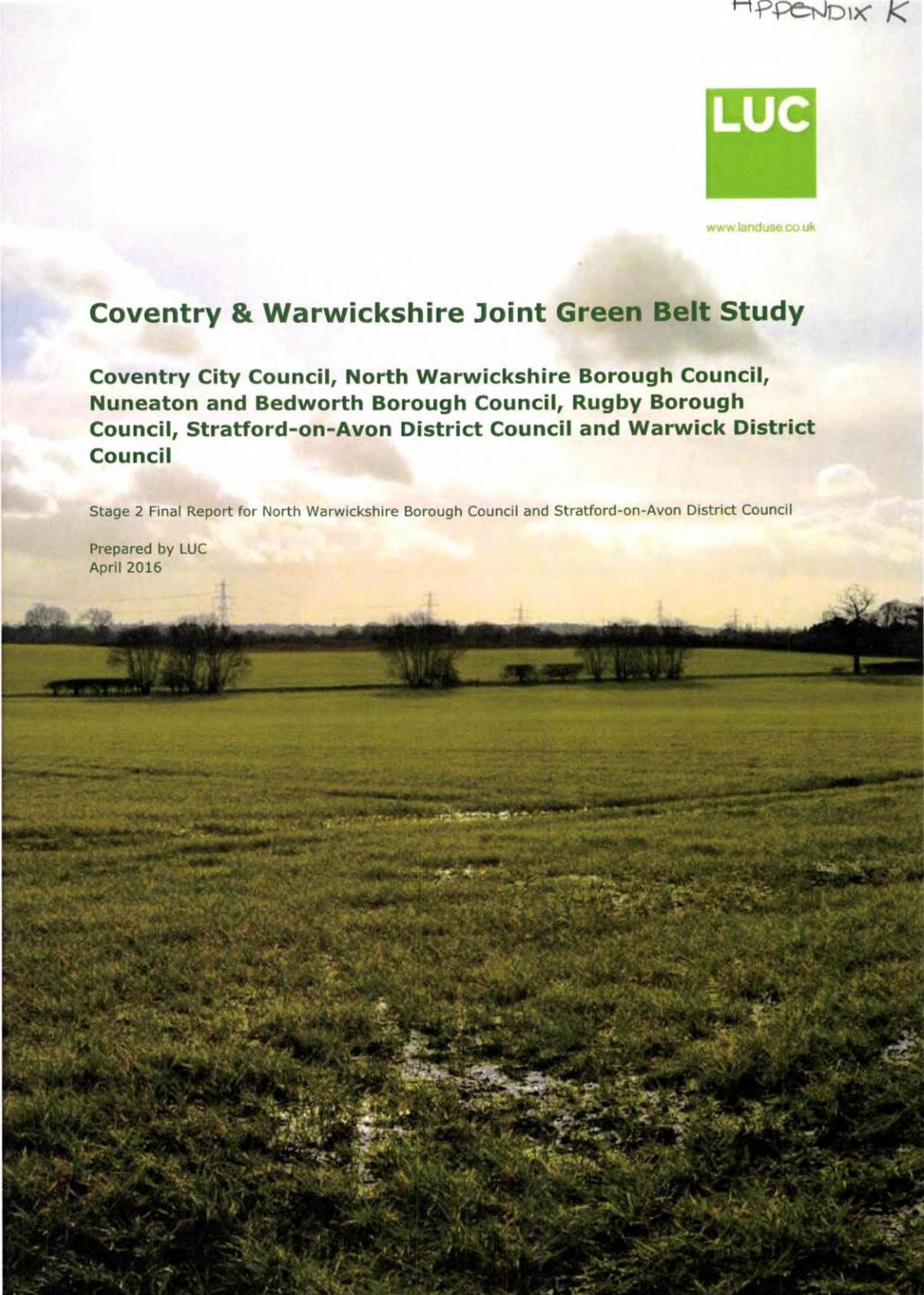
www.landuse.co.uk

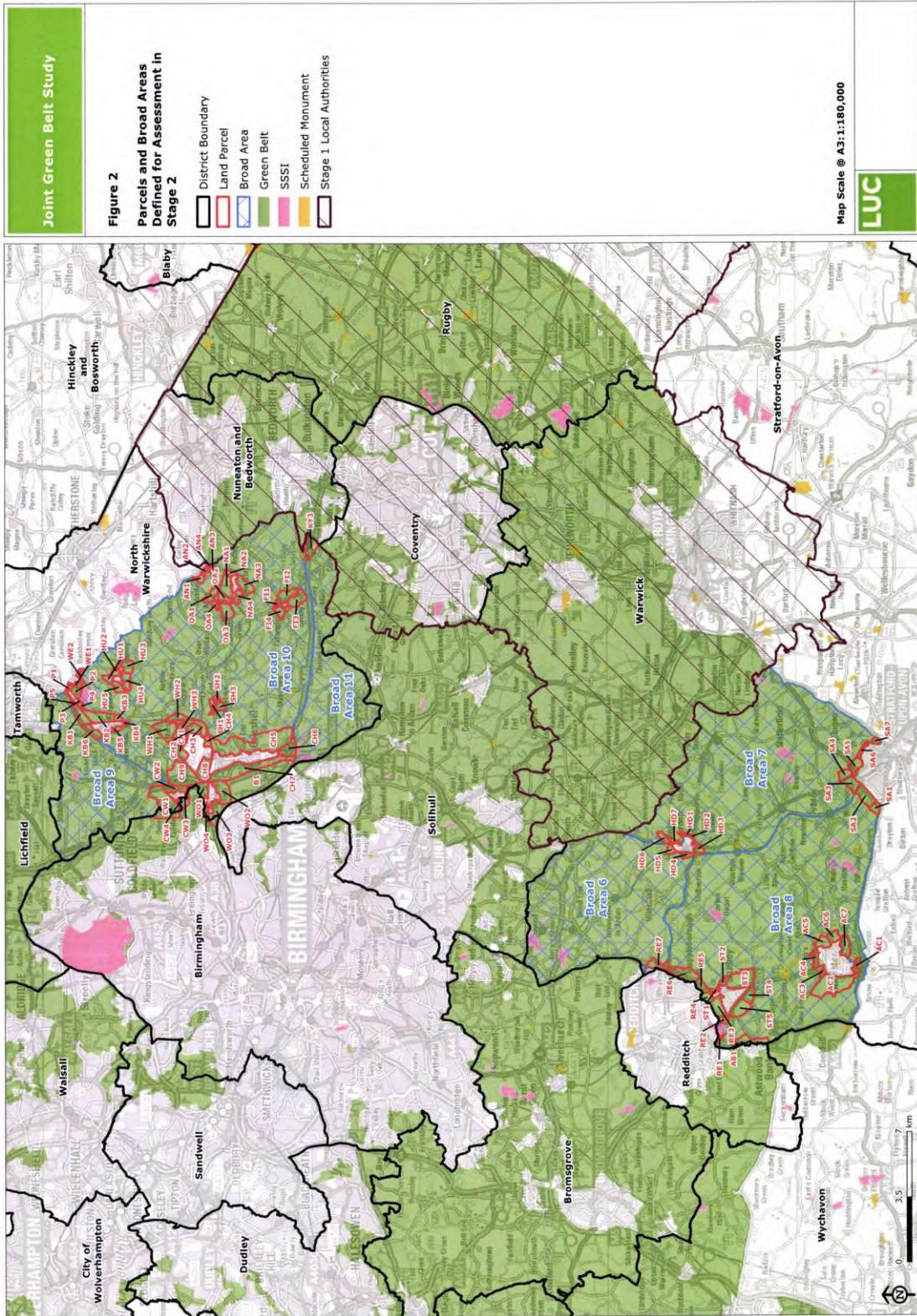
Coventry & Warwickshire Joint Green Belt Study

**Coventry City Council, North Warwickshire Borough Council,
Nuneaton and Bedworth Borough Council, Rugby Borough
Council, Stratford-on-Avon District Council and Warwick District
Council**

Stage 2 Final Report for North Warwickshire Borough Council and Stratford-on-Avon District Council

Prepared by LUC
April 2016





© Crown copyright and database rights 2015 Ordnance Survey 100014272. © Environment Agency copyright and database rights 2015.
 © Natural England copyright 2016. Contains Ordnance Survey data © Crown copyright and database right 2016.
 Contains, or is based upon, English Heritage's National Heritage List for England data © English Heritage.

CB.Green_C:EB.Green_C:LUCLON.6252-01_032_Stage2_Overview_21/03/2016



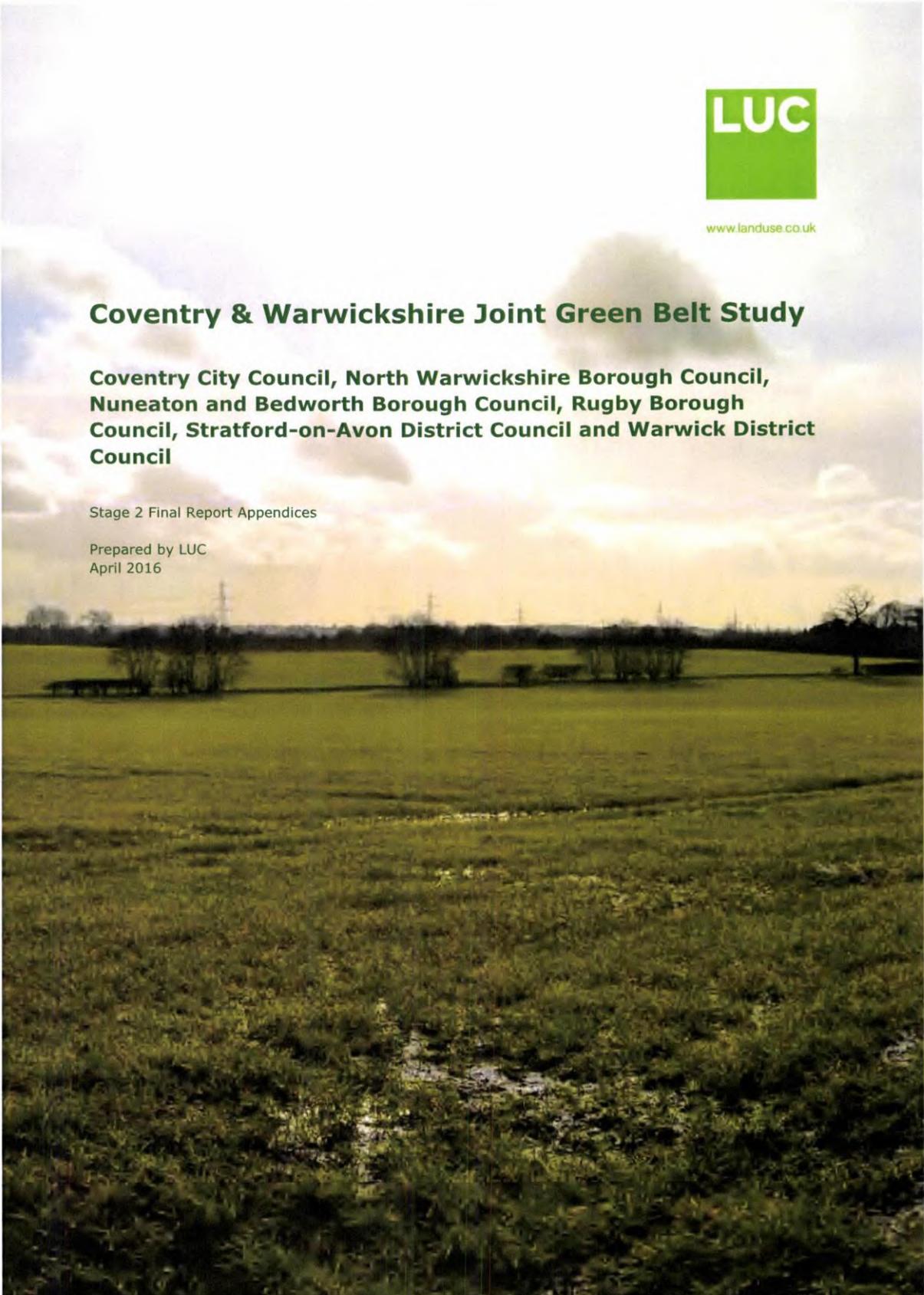
www.landuse.co.uk

Coventry & Warwickshire Joint Green Belt Study

**Coventry City Council, North Warwickshire Borough Council,
Nuneaton and Bedworth Borough Council, Rugby Borough
Council, Stratford-on-Avon District Council and Warwick District
Council**

Stage 2 Final Report Appendices

Prepared by LUC
April 2016

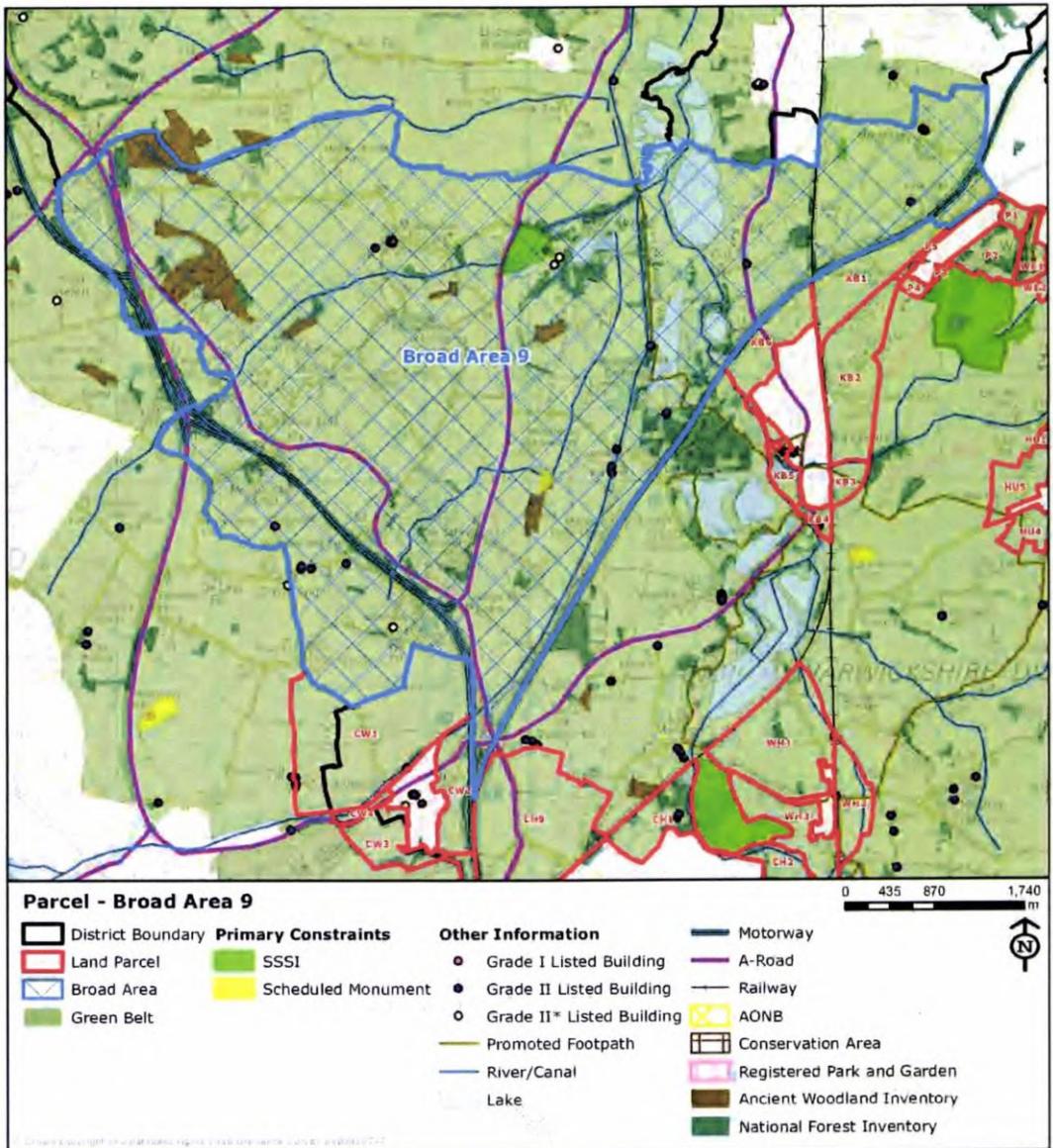


Appendix 1
Green Belt Parcel Judgements

North Warwickshire Green Belt Assessment Sheets

Land Parcel Ref: **Broad Area 9** Main Authority: **North Warwickshire Borough Council**

Parcel Type: **Broad Area**



Main Authority: North Warwickshire Borough Council

Other Authorities: N/A

Land Parcel Ref: Broad Area 9

Main Authority: North Warwickshire Borough Council

Parcel Type: Broad Area

General Notes

Broad area 9 lies between the historic town of Tamworth to the north and the smaller settlements of Kingsbury and Piccadilly to south of the M42 and Cudworth to the west of the M42 and M6 Toll. Sutton Coldfield lies further to the west on the other side of the M6 Toll motorway and A38. The area contains pockets of ancient woodland, a few small Scheduled Monuments and a SSSI at Middleton Pool adjacent to the Grade II* listed Middleton Hall. The broad area makes a considerable contribution to four of the five purposes of Green Belt:

- Checking the southern sprawl of Tamworth; however, the significant boundaries to the south, east and west of the area limit the role of this portion of the Green Belt in preventing the sprawl of Cudworth, Kingsbury, Piccadilly and Sutton Coldfield and preventing the merging of these neighbouring towns in the long term.
- Safeguarding the countryside, including a number of ancient woodlands.
- Preserving the setting of the historic town of Tamworth. Pockets of high ground in the eastern half of the parcel, to the south of Tamworth offer long-range views in to the historic core of this historic town, making some contribution to its wider setting in the landscape.
- Assisting urban regeneration by encouraging the recycling of derelict and other urban land across the West Midlands.

Land Parcel Ref: CH9

Main Authority: North Warwickshire Borough Council

Parcel Type: Land Parcel

Purpose 3 - To assist in the safeguarding of the countryside from encroachment

Issue 3a - Significance of existing urbanising influences

Does the parcel have the characteristics of countryside and/or connect to land with the characteristics of countryside?

Has the parcel already been affected by encroachment of urbanised built development?

Score:

Notes:

The parcel contains roads which connect the M6 and M42 to Coleshill and the Hams Hall Distribution Park. Several power lines cut through the parcel. There are three main pockets of development within the parcel: a large electricity substation sits in the eastern corner of the parcel, an open-air construction and demolition recycling facility sits close to the northern edge of the parcel and an industrial area sits close to the southern edge of the parcel. The buildings and structures associated with these developments urbanise the countryside within the parcel compromise the openness of the Green Belt within their immediate vicinity; however, the majority of the land within the parcel is open agricultural fields free from development.

Issue 3b - Significance of boundaries / features to contain development and prevent encroachment

Are there existing natural or man-made features / boundaries that would prevent encroachment in the long term? (These could be outside the parcel)

Score:

Notes:

A railway line runs along the south eastern border of the parcel and represents a permanent defensible boundary inhibiting the encroachment of the countryside from the Hams Hall Distribution Park, both within the parcel and to the north east. Further development within the parcel would represent a breach of this defensible boundary and would constitute encroachment of the countryside within the parcel. While the M42 follows the parcels western edge, it is a significant distance away from the urban edge of the Distribution Park. The planned route of HS2 cuts through the parcel; however, this has yet to be constructed. There are no significant boundaries to the north east to protect the countryside to the north east from encroachment.

Land Parcel Ref: CH9

Main Authority: North Warwickshire Borough Council

Parcel Type: Land Parcel

Purpose 4 - To preserve the setting and special character of historic towns

Issue 4a - Parcel forms an historical and/or visual setting to the historic town

Is the parcel partially or wholly within or adjacent to a Conservation Area within an historic town?
Does the parcel have good intervisibility with the historic core of an historic town?

Score: 0

Notes:

The parcel does not overlap with a Conservation Area within a historic town. In addition, there is no intervisibility between the historic core of a historic town and the parcel.

Land Parcel Ref: CH9

Main Authority: North Warwickshire Borough Council

Parcel Type: Land Parcel

Purpose 5 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land

Issue 5a - The need to incentivise development on derelict and other urban land within settlements

All parcels make an equally significant contribution (+4) to this purpose.

Land Parcel Ref: CH9

Main Authority: North Warwickshire Borough Council

Parcel Type: Land Parcel

Score Summary

Purpose 1 Score: /4

Purpose 2 Score: /4

Purpose 3 Score: /4

Purpose 4 Score: /4

Purpose 5 Score: /4

Total Score: /20