

# **Land north-east of Junction 10 of the M42 motorway, North Warwickshire – Statement of Common Ground - APP/R3705/W/24/3336295**

**This statement addresses the following areas of common ground**

## **Summary**

This Statement of Common Ground ('SoCG') has been agreed between Hodgetts Estates (herein referred to as 'the Appellant') and Polesworth Parish Council, Dordon Parish Council and Birchmoor Community Action Team (herein referred to as 'the Local Rule 6 Party' or 'JR6P').

This SoCG has been prepared in respect of an appeal against NWBC's non-determination of an outline planning application pertaining to land north-east of junction 10 of the M42 motorway, North Warwickshire ('the site').

It is prepared in order to identify agreed areas as well as to facilitate the narrowing of issues in dispute and to streamline the preparation of evidence.

Matters which are agreed and have not been agreed are set out in section H of this statement. These matters will be considered further between the parties in order to see if further areas of agreement can be reached.

As the appeal is against non-determination, the Appellant may seek to add further disciplines to the collection of SoCGs.

There are references in this document relating to Core Documents which are listed in an Appendix A. They are referred to as CD's in this Statement.

This SoCG has been prepared jointly and agreed by:

Signed:



Date: **24/05/24**

**James Warrington, WSP (on behalf of Hodgetts Estates)**

Signed:



Date: 24/05/2024

**Jonathan Weekes, Aitchison Raffety (on behalf of the Local Rule 6 Party)**

## **A. Appeal reference - APP/R3705/W/24/3336295**

1. Local Authorities Reference – PAP/2021/0663

## **B. Site Address**

2. This is as described above - Land north-east of Junction 10 of the M42 motorway, North Warwickshire.

## **C. Agreed description of development**

3. The description of development as included in the submitted planning application is: *'Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved'*
4. This application is in outline, with the exception of the means of access – proposed from Watling Street (A5). All other matters, including, siting, layout, appearance and landscaping are reserved for future consideration.
5. As denoted on the Red and Blue Line Plan (**CD-A3**), the appeal site comprises a red line boundary area extending to approximately 32.36ha (the development site) and a blue line boundary area extending to approximately 41.66ha (other land under the control of the appellant, parts of which are proposed for off-site mitigation and connectivity enhancements). The red and blue land is owned entirely by the appellant.
6. The access to the development site would be in the form of a new signalised access directly onto the A5.
7. While layout is a reserved matter, illustrative details have been submitted to show how the site could be developed.
8. The planning application was submitted on the 2 December 2021 and it was allocated application reference: PAP/2021/0663 (**CD-C1**). This resulted in a statutory determination deadline of the application of 24 March 2022 (16 weeks).
9. List of plans and documents - The documents which the Appellant seeks planning permission for are as follows:
  - Red and Blue Line Plan (Drawing Ref: 4263-CA-00-00-DR-A-00066 Rev P4) (**CD-A3**);
  - Parameters Plan (Drawing Ref: 4263-CA-00-00-DR-A-00075 Rev P18) (**CD-B37**); and
  - Proposed Site Access Drawings (within the submitted Transport Statement Addendum) (**CD-B39**).
10. Additional information was submitted to help inform the decision, including:
  - The Design Guide (Ref: 4263-CA-00-XX-RP-A-06004 Rev PL6) (**CD-B35**) which provides an overarching design framework that future reserved matters could adhere to.

11. The illustrative plans referred to below, which were submitted with the application to show the possible form in which a multi-unit scheme could come forward at the site and to assist with the consideration of the proposals are as follows:
12. Indicative Masterplan INST+ Specification (Drawing Ref: 4263-CA-00-00-DR-A-00090 SK5) (**CD-B28**)
  - Indicative Elevations based on Indicative Masterplan INST+ Specification (**CD-B29**):
    - a. Proposed South Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05008 Rev SK3;
    - b. Proposed Middle Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05009 Rev SK3;
    - c. Proposed North Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05010 Rev SK3;
    - d. Proposed Smaller Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05011 Rev SK2.
  - Sections A, B, C and D based on Indicative Masterplan INST+ Specification – Plan refs: 403.11077.00001.LAJ-54 Rev D and 403.11077.00001.LAJ-55 Rev D (**CD-B30**);
  - Type 3 Photomontages (based on Indicative Proposed Masterplan INST+ Specification) – ref: 403.11077.00001.LAJ-56-LAJ-70 Rev E (**CD-B31**);
  - Proposed Indicative Masterplan (Drawing Ref: 4263-CA-00-00-DR-A-00095 Rev P1) (**CD-B41**)
  - Proposed Hub Office (Drawing Ref: 4263-CA-00-00-DR-A-00080 Rev P4) (**CD-B42**).
13. The Design and Access Statement (**CD-B34**) and the aforementioned Design Guide (**CD-B35**) incorporate examples of possible alternative layouts for the site, as well as examples of alternative building designs. Layout, scale, appearance and landscaping are reserved matters but the illustrative and indicative plans provide examples of how the scheme could legitimately be brought forward.
14. Beyond those documents listed in paragraph 9 above, the rest of the information is for informative and illustrative purposes only as part of this submission and does not form part of the document set upon which any approval would be fixed.

#### **D. List of any new plans**

15. During the course of the determination period, the Appellant submitted additional information to NWBC, as summarised in the schedule at **Appendix A**.
16. The scheme comprises EIA development. The original submitted Environmental Statement is supplemented by an ES Addendum (submitted in March 2024) – the addendum provides an update to the ES in respect of transport/highways, air quality, noise and ecology sections.

During the application process a number of consultation responses were received. Generally, there are only outstanding objections from statutory consultees in respect of highways, and issues raised in respect of landscape matters.

#### **E. The Appeal Site and its surroundings**

17. The site is just under 33 hectares of agricultural land, including an area of circa 1 hectare of hardstanding, in the north-east quadrant of Junction 10 of the M42, bounded

by the motorway to the west and the A5 to the south. There is agricultural land to the east and the village of Birchmoor is to the north, separated from the site by a series of paddocks.

18. There is a mature tree belt to the west and south-west along the route of the M42, and a mature hedgerow along the A5 boundary together with some thickets of self-set younger trees and shrubs.
19. The site is transected north/south by the line of an oil pipeline, towards its eastern boundary. A high pressure gas main runs parallel to the eastern site boundary. Additionally, there are two low voltage electricity lines that cross the site in an east west/ and a north/south axis respectively.
20. A public bridleway – the AE45 – crosses the site and a further public footpath – the AE46 – borders the north-eastern boundary of the site. They are also used for agricultural access to the land from the A5.
21. The site currently has an access onto the A5 frontage – being a 16 metre wide dropped kerb with an 8 metre access width entrance. A secondary point of access lies further to the east, again from the A5, opposite the Core 42 employment site and via an existing farm track – which is also, in part, the AE46.
22. There is a hardstanding area in the south of the site which was installed by contractors appointed by National Highways at the time, as a compound associated with the maintenance of the A5 and M42 during the past years.

#### **F. Relevant planning history.**

23. Aside from the application to which this appeal relates, the site has no relevant planning history given its longstanding use as farmland and informal hardstanding.

#### **G. List of the most important development plan policies for determining the application**

24. This section identifies the planning policy context, both nationally and locally. A fuller description is contained in the planning application documents, and in the respective Statements of Case submitted by both the appellant and the LPA.
25. The Statutory Development Plan comprises the North Warwickshire Local Plan 2021, adopted September 2021 and the Dordon Neighbourhood Plan adopted in December 2023.
26. The parties agree that the development plan policies listed below are considered to be the most relevant in the determination of this appeal:

##### [North Warwickshire Local Plan](#)

Policy LP1 – Sustainable Development

Policy LP2 – Settlement Hierarchy

Policy LP4 – Strategic Gap

Policy LP5 – Amount of Development

Policy LP6 – Additional Employment Land  
Policy LP11 – Economic Regeneration  
Policy LP12 – Employment Areas  
Policy LP14 – Landscape  
Policy LP15 – Historic Environment  
Policy LP16 – Natural Environment  
Policy LP17 – Green Infrastructure  
Policy LP21 – Services and Facilities  
Policy LP22 – Open Spaces and Recreational Provision  
Policy LP23 – Transport Assessments  
Policy LP26 – Strategic Road Improvements A5  
Policy LP27 – Walking and Cycling  
Policy LP29 – Development Considerations  
Policy LP30 – Built Form  
Policy LP33 – Water and Flood Risk Management  
Policy LP34 – Parking  
Policy LP35 – Renewable Energy and Energy Efficiency  
Policy LP36 – Information and Communication Technologies  
Policy LP39 – Employment Allocations

#### [Dordon Neighbourhood Plan](#)

Policy DNP1 – Sustainable Development  
Policy DNP2 – Protecting the Natural Environment and Enhancing Biodiversity  
Policy DNP4 – Protecting the Landscape Character  
Policy DNP5 – Creating a Local Green Network  
Policy DNP6 – Protecting and Enhancing Heritage Assets  
Policy DNP7 – Reducing the Risk of Flooding  
Policy DNP8 – Achieving High-Quality Design  
Policy DNP10 – Renewable Energy, Energy Efficiency and Low Carbon Technologies  
Policy DNP11 – Protecting and Enhancing Community Facilities  
Policy DNP12 – Supporting the Local Economy  
Policy DNP14 – Development Contributions

27. Other key relevant documents and material considerations are listed below.

#### **a) National**

The National Planning Policy Framework 2023 – (the “NPPF”)

The National Planning Practice Guidance – (the NPPG”)

#### **b) Local Policies**

Air Quality and Planning - SPD 2019

Design for Lighting Schemes - SPG 2003

Draft Dordon Design Guidance and Code 2021

**c) Landscape and Strategic Gap**

North Warwickshire Landscape Character Assessment of 2010  
Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations. LUC (2018)  
Guidelines for Landscape and Visual Impact Assessment, third edition (2013)  
Assessing Landscape Value Outside of National Designations (TGN 02/21, Landscape Institute 2021)  
Landscape Institute TNG 06/19 Visual Representation of Development Proposals (2019)  
Strategic Gap and Green Wedge Policies in Structure Plans: Main Report (ODPM, 2001)

**d) Employment**

West Midlands Strategic Employment Sites Study (Phase One) – 2015 (WMSESS 2015)  
Coventry & Warwickshire Sub-Regional Employment Market Signals Study, BBP Regeneration (on behalf of Coventry & Warwickshire LEP) – July 2019  
Build Back Better: Our Plan for Growth, UK Government – March 2021  
West Midlands Strategic Employment Sites Study (Phase Two) – May 2021 (WMSESS 2021)  
Coventry and Warwickshire Housing & Economic Development Needs Assessment (HEDNA) – November 2022  
West Midlands Plan for Growth, West Midlands Combined Authority – December 2022  
Spatial Investment & Delivery Plan Revised Draft, West Midlands Combined Authority – February 2019  
Draft Employment Development Plan Document – Scope, Issues and Options 2024

**e) Design**

The National Design Guide 2021  
The National Model Design Code 2021

**f) Highways**

Design Manual for Roads and Bridges DMRB  
Department for Transport - Building Sustainable Transport into New Developments (2008)

Department of Transport Circular 1/2022

Chartered Institution of Highways and Transportation Planning for Walking (2015)

Warwickshire Local Transport Plan 3 (2011-2026).

The National Survey of Lorry Parking – DfT 2017

West Midlands Rail Investment Strategy 2018-2047, West Midlands Rail Executive – December 2018

Warwickshire Rail Strategy 2019-2034, Warwickshire County Council – July 2019

Great British Railways: The Williams-Shapps Plan for Rail, Department for Transport – May 2021

Future of Freight: A Long Term Plan, Department for Transport – November 2021

Decarbonising Transport: A Better, Greener Britain, Department for Transport – July 2021

Bus Services Improvement Plan, Warwickshire County Council – October 2021

Planning Reforms for Lorry Parking', Written Ministerial Statement from The Rt Hon Grant Shapps – November 2021

The National Survey of Lorry Parking Part One - DfT 2022

Strategic Transport Plan: Greener, Fairer, Stronger, Midlands Connect – March 2022

Future of Freight: A Long Term Plan, Department for Transport – June 2022

The National Survey of Lorry Parking Part Two - DfT 2022

Draft Local Cycling and Walking Infrastructure Plan, Warwickshire County Council – June 2022

Freight Route Map, Midlands Connect – August 2022

Road Freight Supply Chain: Government Response to the Committee's First Report, UK Government - September 2022

West Midlands Draft Consultation Rail Investment Strategy 2022-2050 – October 2022

Strategic Road Network and the Delivery of Sustainable Development, Department for Transport – December 2022

Local Transport Plan 4, Warwickshire County Council – July 2023

## H. Areas of agreement and disagreement

### It is agreed that:

28. The site is:

- a) within the Strategic Gap defined by Local Plan Policy LP4.
- b) not allocated in the Development Plan for employment or HGV parking use; and
- c) not designated in the Development Plan as Green Belt.

29. The Appeal Site is within a Strategic Gap as defined by Policy LP4 of the Local Plan which is a strategic planning designation. The objective of this designation is to maintain the separate identities of Tamworth and Polesworth with Dordon. LP4 states that development which significantly adversely affects the separate characters of these settlements will not be permitted. The local plan states that any effects should be considered "in terms of the physical and visual separation between the settlements."

30. The Strategic Gap is a strategic planning policy. In order for the separate identities of two neighbouring settlements to be retained, it is important to maintain a clear sense of leaving one place, travelling (by all modes of transport) through an intermediate landscape, and arriving somewhere else.

31. Local Plan policy LP6 was adopted as a result of the Examination Planning Inspector's consideration of the need to include a strategic employment policy in the Local Plan in order to allow for strategic employment needs.

32. The distribution and logistics sector represents an important economic sector in the local and regional economy, and North Warwickshire has seen significant investment and development by occupiers in this sector. The Local Plan recognises the Borough's strategic national location.

33. That the site is located within the 'Golden Triangle' for logistics.

34. The site is located within "Area A" as defined within the WMSESS 2015, referred to in the policy wording for Policy LP6. The site is also located within "Area 2" as defined within the WMSESS 2021.

35. There is a strategic rail freight interchange (SRFI) on the opposite side of the A5 at Birch Coppice Business Park, namely Birmingham Intermodal Freight Terminal.

36. The consequences of the shortage of appropriate lorry parking are recognised in the Borough and include adverse social and environmental impacts, as well as economic impacts, including those relating to road safety and local amenity. These issues have been reported and discussed over many years in the Borough.

37. There is a recognised shortage of HGV parking and overnight facilities as established through the DfT National Survey of Lorry Parking 2017. The site is within one of the national HGV shortage 'hot spot' areas (from Hams Hall to Dordon, Birch Coppice) identified in that Survey.



38. Birch Coppice Business Park and Birmingham Intermodal Freight Terminal, to the immediate south east of the appeal site and a significant generator (origin and destination) of HGV traffic and of demand for HGV parking and overnight facilities.
39. Local Plan Policy LP34 reflects the Council's recognition of a need and demand for additional lorry parking facilities and gives weight to proposals which protect or provide parking but does not allocate any land for that purpose.
40. **Landscape and Strategic Gap** - A topic specific Landscape Statement of Common Ground (LSoCG) has been agreed between the Appellant and NWBC (**CD-D15**) in respect of this issue.
41. **Highways** - Topic specific Statement of Common Grounds are proposed with NH and WCC Highways in respect of this issue.
42. **Other technical matters** – The parties agree that other technical and environmental planning matters do not have outstanding technical objections from statutory consultees, subject to the imposition of conditions where necessary.
43. **Other benefits** - It is agreed that the application does set out the proposals' benefits which include, inter alia, job creation through the construction and operation phases; added value and spend resulting from the scheme and its integrated facilities; social benefits of the ancillary Hub Office, fitness trail, community orchard. The proposed footways, cycleways and pavements throughout the site and other land under the control of the Appellant, would deliver enhanced connectivity. There will be environmental benefits through it being a net zero development together with the creation of +15.5 hectares of open space and bio-diversity net gains.
44. **Rail Connectivity** – it is agreed that Policy LP12 states that the rail freight terminal at Birch Coppice Business Park is of strategic significance.

**Issues not agreed:**

45. **Strategic Gap** - Whilst it is agreed that the site is in the Strategic Gap, it is not agreed what the level of impact will be on the objectives of maintaining the separate identities of Tamworth and Polesworth with Dordon, as set out in the requirements in the Development Plan.
46. **Landscape** - The level of impact in respect of the character of the landscape has not been agreed.
47. **Visual impact** - It is also not agreed what the level of impact will be in respect of the visual appearance of the area and its impact on the immediate setting and wider surroundings.
48. **Highways** - At the present time, it is not agreed whether or not the proposal would have a detrimental impact on the strategic and local highway network. It has also not been agreed whether or not the proposal would have an unacceptable impact on

highway safety or a severe impact on the road network. Concern is raised by the Local Rule 6 Party in respect of the additional traffic congestion resulting from the proposal and the ability to control HGV routing so that they do not travel into Birchmoor.

49. **Other technical matters** – whether there would be impacts upon residents, wildlife and/or the environment in respect of air quality, noise and lighting.
50. **Final planning balance** - On the relative weights to be attributed in the final planning balance to the identified harms and benefits of the proposal.