



TOWN & COUNTRY PLANNING ACT 1990

STATEMENT OF CASE FOR NATIONAL HIGHWAYS

Planning Inspectorate Appeal Reference: APP/R3705/W/24/3336295

LPA Reference: PAP/2021/0663

Site Location: Land north east of Junction 10 of the M42 Motorway /north of the A5,
Dordon, North Warwickshire, B78 1TB

Proposal: 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

Apellant: Hodgetts Estates

Date: March 2024

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1 INTRODUCTION AND CONTEXT

1.1 This is the Statement of Case for National Highways. It has been prepared in accordance with the Planning Inspectorates Procedural Guidance (March 2021) pursuant to rule 6 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000.

1.2 On 2nd December 2021, the appellant applied to North Warwickshire Borough Council for Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, with all other matters reserved. The application remains undetermined by the Planning Authority.

1.3 On 3rd January 2024, the appellant submitted an appeal to the Planning Inspectorate on the basis that the Local Planning Authority had failed to give notice of its decision within the appropriate period on an application for permission or approval (non-determination).

2 APPEAL PROPOSAL

2.1 The development proposals, submitted by the appellant are for Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g (iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, with all other matters reserved. The way in which the appeal proposal affects the Strategic Road Network (SRN) is set out below.

3 NATIONAL HIGHWAYS ASSESSMENT

3.1 National Highways (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the SRN. The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

3.2 National Highways acts as a statutory consultee within the planning system. Our role is to provide advice to the Local Planning Authority on proposals that may have an impact on the safety and operation of our network. We consider planning proposals in accordance with the National Planning Policy Framework (NPPF), and under the requirements of DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development (“the Circular”).

3.3 In considering any planning proposal, our primary consideration is the continued safe operation of the SRN. Where proposals may directly affect a road under our jurisdiction, we require that the application includes sufficient evidence as to how the proposal can be safely accommodated within the affected section of road. Where the proposals include for a mitigation or access scheme this should also be supported by evidence that demonstrates the proposals are deliverable in accordance with appropriate policy, standards and guidance. The burden of proof to demonstrate that any proposal is suitable fundamentally lies with the applicant and it is necessary that they demonstrate to us that their proposal can be safely delivered.

Assessment of the application:

3.4 National Highways was consulted on the planning application on the 2nd December 2021. We undertook a thorough and robust review of the development proposals and submitted information.

3.5 For the purposes of the planning application, the section of the SRN affected is the A5 and M42 Junction 10.

3.6 National Highways submitted a recommendation that the 'planning permission is not granted for a specified period', an initial holding response on the 31st December 2021 (Appendix A) with further holding responses dated 1st April 2022 (Appendix B), 22nd June 2022 (Appendix C), 27th September 2022 (Appendix D), 22nd December 2022 (Appendix E), 22nd March 2023 (Appendix F) and 22nd September 2023 (Appendix G), which was to enable the applicant to provide further information to understand the impact of the development on the SRN. The matters of clarification were as follows:

- Assessment of the transport impact of the development (including the completion of appropriate modelling)
- Identification of an agreed access arrangement and cycle link

Design Manual for Roads and Bridges (DMRB):

- DMRB GG119 completed Stage 1 Road Safety Audit
- DMRB GG104 Safety Risk Assessment
- DMRB GG142 Walking, Cycling and Horse-riding Assessment and Review

Ordinarily, the identification of access arrangement and cycle link would follow completion of appropriate modelling, as the modelling will inform the design.

Post Appeal Submission:

3.7 Since submission of the appeal and notification of National Highways as a Rule 6 Party for the public inquiry, the appellants have engaged with ourselves to seek to identify where matters can be agreed, and where issues remain.

4 SUMMARY OF NATIONAL HIGHWAYS CASE

4.1 National Highways will call a Spatial Planner whose evidence will be to provide clarity, information and guidance on the approach, analysis and considerations which were undertaken to inform our recommendation of *planning permission is not granted for a specified period*'. This evidence will cover the following aspects;

- Government policy in regard to the requirements to assess transport implications of the development proposals.
- The need for an agreed Transport Assessment methodology.
- The need for agreed Strategic Modelling methodology, scenarios, and outputs.
- The need to identify the development impacts on the SRN.
- The need for a sustainable transport strategy to support the development proposals in accordance with the Circular.
- The need to identify mitigation measures and the correct application of required standards within Design Manual for Roads and Bridges, across the SRN.

In the event that appellant and National Highways are unable to agree the modelling, it may be necessary for National Highways to call a further witness to address modelling. Similarly, if agreement cannot be reached regarding the form of mitigation, it may be necessary to call a witness to address this.

5 SCHEDULE OF POLICIES, DOCUMENTS AND PLANS TO WHICH NATIONAL HIGHWAYS INTENDS TO REFER

5.1 The following text sets out the policies, documents and plans to which Highways England intends to refer to during the appeal process.

National Planning Policy Framework (December 2023);

5.2 Paragraph 108 (Page 31);

‘Transport issues should be considered from the earliest stages of plan making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.’*

5.3 Paragraph 109 (Page 31);

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can

be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.

5.4 Paragraph 114 (Page 32)

‘In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’*

5.5 Paragraph 115 (Page 33);

‘Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.’

5.6 Paragraph 117 (Page 33);

‘All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.’

Department for Transport Circular 01/2022: The Strategic Road Network and the of sustainable development;

5.7 Paragraph 8;

‘This document is the policy of the Secretary of State in relation to the SRN which should be read in conjunction with the National Planning Policy Framework (NPPF), planning policy for traveller sites, national planning policy for waste, planning practice guidance, national design guide, National Model Design Code, Manual for Streets (MfS), local transport note (LTN) 1/20 and all other material considerations when strategic policy-making authorities are setting policies and making decisions on planning and development proposals under the Town and Country Planning Act 1990. The policies may also be considered important and relevant to decisions on nationally significant infrastructure projects (NSIPs) in the absence of a stated position in the relevant national policy statement. This document replaces the policies in the Department for Transport circular 02/2013 of the same title.’

5.8 Paragraph 10;

‘The circular is applicable to the whole of the SRN, comprising the trunk motorways (“motorways”) and all-purpose trunk roads (APTRe) in England, including those roads managed by the design, build, finance and operate companies. For the avoidance of doubt, the circular will not apply to the Major Road Network, except in relation to its junctions with the SRN.’

5.9 Paragraph 11;

The company will act in a manner which conforms to the principles of sustainable development. In this context, the company’s licence agreement defines sustainable development as encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations. Alongside this, the company has an important role to play in the drive towards zero emission transport through its commitment to net zero maintenance and construction emissions by 2040

and net zero road user emissions by 2050, and its role as a statutory consultee in the planning system.

5.10 Paragraph 12

New development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable. In this regard, recent research on the location of development found that walking times between new homes and a range of key amenities regularly exceeded 30 minutes, reinforcing car dependency. Developments in the right places and served by the right sustainable infrastructure delivered alongside or ahead of occupancy must be a key consideration when planning for growth in all local authority areas.

5.11 Paragraph 23

Capacity enhancements such as modifications to existing junctions or road widening to facilitate development should be determined on a case-by-case basis. The general principle should be accepted where proposals would include measures to improve community connectivity and public transport accessibility, and this will be weighed against any negative safety, traffic flow, environmental and deliverability considerations, impacts on the permeability and attractiveness of local walking, wheeling and cycling routes, and alternative options to manage down the traffic impact of planned development or improve the local road network as a first preference.

5.12 Paragraph 24

Where new connections and capacity enhancements to the SRN would be accepted, the relevant authorities and development promoters should fully consider this outlay with respect to the viability of development.

5.13 Paragraph 25

The Design Manual for Roads and Bridges (DMRB) sets out the details of the Secretary of State's requirements for access, design and audit in the highway scheme design process to which development proposals must conform. In this regard, GG 104 (or its subsequent update) identifies the framework and approach for safety risk

assessment to be applied when undertaking any activity that may have an impact on safety on the SRN. Moreover, a Walking, Cycling & Horse-Riding Assessment and Review in compliance with GG 142 must be completed during the options or concept stage of a development that proposes modifications to the SRN, which enables opportunities for new or improved facilities for pedestrians, cyclists and horseriders to be identified. In turn, development promoters should prepare a preliminary design and Stage 1 Road Safety Audit (see GG 119) before planning permission is applied for, to demonstrate that road safety issues have been considered. Early engagement with the company is therefore encouraged to ensure that the above and further highway standards in the DMRB are appropriately addressed.

5.14 Paragraph 48

Where a transport assessment is required, this should start with a vision of what the development is seeking to achieve and then test a set of scenarios to determine the optimum design and transport infrastructure to realise this vision. Where such development has not been identified in an up-to-date development plan (or an emerging plan that is at an advanced stage), developers should demonstrate that the development would be located in an area of high accessibility by sustainable transport modes and would not create a significant constraint to the delivery of any planned improvements to the transport network or allocated sites.

5.15 Paragraph 49

A transport assessment for consideration by the company must also consider existing and forecast levels of traffic on the SRN, alongside any additional trips from committed developments that would impact on the same sections (link or junction) as the proposed development. Assumptions underpinning projected levels of traffic should be clearly stated to avoid the default factoring up of baseline traffic. The scenario(s) to be assessed, which depending on the development and local circumstances may include sensitivity testing, should be agreed with the company; where a scenario with particularly high or low growth is proposed, this should be supported by appropriate evidence. Planned improvements to the SRN or local road network should also be

considered in any assessment where there is a high degree of certainty that this will be delivered.

5.16 Paragraph 50

An opening year assessment to include trips generated by the proposed development, forecasted growth and committed development shall be carried out to establish the residual transport impacts of a proposed development. For multiphase developments, additional assessments shall be provided based on the opening of each phase.

5.17 Paragraph 51

Where a transport assessment indicates that a development would have an unacceptable safety impact or the residual cumulative impacts on the SRN would be severe, the developer must identify when, in relation to the occupation of the development, transport improvements become necessary.

Other Relevant Documents;

– Design Manual for Roads and Bridges

- GG104 – Requirements for safety risk assessment (June 2018)
- GG119 – Road Safety Audit (January 2020)
- GG142 – Walking, cycling and horse-riding assessment and review (November 2019)



Appendix A:

National Highways Planning Response - 31 December 2021



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@highwaysengland.co.uk

To: North Warwickshire Borough Council - FAO Andrew Collinson

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

Proposal: 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

National Highways Ref: 93439

Referring to the consultation on a planning application dated 10 December 2021 referenced above, in the vicinity of the M42 and A5 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 31 December 2021
Name: Ben Simm	Position: Spatial Planning Manager
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN ben.simm@highwaysengland.co.uk	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 31 March 2022. The justification for this decision is provided below.

National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which has included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Site Location and Existing Use:

The site is located on land to the north of the A5 and north east of M42 Junction 10. The A5 forms the southern boundary and the M42 the site's western boundary. At present most of the site has an agricultural use, however the redline boundary does include a brownfield element. The site is accessed through gated access and dropped kerb off the A5 Corridor.

Transport Assessment:

We have reviewed the Transport Assessment and the assumptions and conclusions which have been made. It is noted that the trip rates have been agreed through pre-application discussions.

However, to fully assess the impact of the development proposals on the operation of the SRN, we therefore request the provision of the following information to aid our assessment.

1. We require the provision of the LINSIG Models and the full output files which have been utilised to assess the impact of the development on the operation of the M42 Junction 10, the A5 / Birch Coppice Signalised Junction, and the proposed site access arrangements.
2. Clarity is required on where the demand flows utilised in the model have derived.

Access Arrangements:

We have undertaken a review of the proposed access arrangements for the development proposals. These are set out in drawing number F19123/07 Rev A. It should be noted that during pre-application discussions we have regularly raised concerns about the introduction a new signalised junction will have upon the operation of the A5 Corridor.

As noted above we require provision of the full LINSIG model and the full outputs files for the access arrangements, so that these can be fully assessed and appraised.

In addition, no safety assessments have been undertaken in relation to the proposed access arrangements. These must include a Road Safety Audit Stage 1, and must comply with GG119 – Road Safety Audits, and WCHAR Assessment, and must comply with GG142 – Walking, Cycling and Horse-Riding Assessment.

Summary:

We have undertaken an assessment of the planning application and the development proposals. Based on this appraisal we request the provision of the additional information above to enable us to complete our assessment of the development proposals and consider whether they are acceptable in accordance with Circular 02/2013 and the National Planning Policy Framework.

In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice.



Appendix B:

National Highways Planning Response – 1 April 2022



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@highwaysengland.co.uk

To: North Warwickshire Borough Council - FAO Andrew Collinson

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

Proposal: 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

National Highways Ref: 93439

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- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 1 April 2022
Name: Ben Simm	Position: Spatial Planning Manager
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN ben.simm@highwaysengland.co.uk	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 30 June 2022. The justification for this decision is provided below.

National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which has included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Update March 2022:

National Highways continues to discuss the planning application and development proposals with the applicants based on our response dated the 31 December 2021. At present these discussions have been focused around the modelling requirements, however all other matters remain outstanding.

Therefore we continue to await the provision of the additional information requested in our previous response to enable us to complete our assessment of the development proposals and consider whether they are acceptable in accordance with Circular 02/2013 and the National Planning Policy Framework.

In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice.



Appendix C:

National Highways Planning Response – 22 June 2022



**National Highways Planning Response (NHPR 21-09)
Formal Recommendation to an Application for Planning Permission**

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@nationalhighways.co.uk

To: North Warwickshire Borough Council – FAO – Andrew Collinson

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

Proposal:

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

National Highways Ref: 93439

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- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: <i>Adrian Chadha</i>	Date: 22 June 2022
Name: Adrian Chadha	Position: Assistant Spatial Planner
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN adrian.chadha@nationalhighways.co.uk	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 30 June 2022. The justification for this decision is provided below.

National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which also included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Update March 2022:

National Highways continues to discuss the planning application and development proposals with the applicants based on our response dated the 31 December 2021. At present these discussions have been focused on the modelling requirements, however all other matters remain outstanding.

Therefore, we continue to await the provision of the additional information requested in our previous response to enable us to complete our assessment of the development proposals and consider whether they are acceptable in accordance with Circular 02/2013 and the National Planning Policy Framework.

Update June 2022:

National Highways are in receipt of further modelling and currently reviewing this detail, once concluded a further response will be issued.

In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice.



Appendix D:

National Highways Planning Response – 27 September 2022



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@highwaysengland.co.uk

To: North Warwickshire Borough Council - FAO Andrew Collinson

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

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National Highways Ref: 93439

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- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 27 September 2022
Name: Ben Simm	Position: Spatial Planning Manager
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN ben.simm@highwaysengland.co.uk	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 30 June 2022. The justification for this decision is provided below.

National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which has included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Update September 2022:

National Highways continues to discuss the planning application and development proposals with the applicants based on our previous responses. At present these discussions have been focused around the modelling requirements, however all other matters remain outstanding.

In addition, we have provided comments on the Walking, Cycling, Horse-Riding Assessment and Review (WCHAR), these comments have been provided back to the applicants for consideration.

Therefore we continue to await the provision of the additional information requested in our previous response to enable us to complete our assessment of the development proposals and consider whether they are acceptable in accordance with Circular 02/2013 and the National Planning Policy Framework.

In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice.



Appendix E:

National Highways Planning Response – 22 December 2022



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@highwaysengland.co.uk

To: North Warwickshire Borough Council - FAO Andrew Collinson

CC: transportplanning@dft.gov.uk
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Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

Proposal: 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

National Highways Ref: 93439

Referring to the consultation on a planning application dated 10 December 2021 referenced above, in the vicinity of the M42 and A5 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 22 December 2022
Name: Ben Simm	Position: Spatial Planning Manager
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN ben.simm@highwaysengland.co.uk	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 22 March 2023. The justification for this decision is provided below.

National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which has included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Update December 2022:

National Highways continues to discuss the planning application and development proposals with the applicants based on our previous responses. At present these discussions have been focused on the modelling requirements, however all other matters remain outstanding.

Most recently National Highways has undertaken a review of the modelling which has been supplied by the applicant's additional transport consultants from Tetra Tech. This has been reviewed on our behalf by AECOM, and there are a number of matters where amendments or further clarification are required, as we are discussing these with the applicant's consultant team.

In addition, we have provided comments on the Walking, Cycling, Horse-Riding Assessment and Review (WCHAR), these comments have been provided back to the applicants for consideration, as well as comments regarding a proposed cycle link on the northern side of the A5 between the M42 Junction 10 and the proposed site access on the A5.

Once the modelling has been approved and the access arrangements and cycle link acceptability have been established, we will work with the applicants to agree the Road Safety Audit Stage 1 through the process as set out in GG119 Road Safety Audits which forms part of Design Manual for Roads and Bridges.

Therefore, we continue to work collaboratively with the applicant, their consultant teams, and the relevant Local Highway Authorities. We therefore await the provision of the additional information requested in our previous response to enable us to complete our assessment of the development proposals and consider whether they

are acceptable in accordance with Circular 02/2013 and the National Planning Policy Framework.

In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice.



Appendix F:

National Highways Planning Response – 22 March 2023



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@highwaysengland.co.uk

To: North Warwickshire Borough Council - FAO Andrew Collinson

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

Proposal: 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

National Highways Ref: 93439

Referring to the consultation on a planning application dated 10 December 2021 referenced above, in the vicinity of the M42 and A5 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 22 March 2023
Name: Ben Simm	Position: Spatial Planning Manager
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN ben.simm@highwaysengland.co.uk	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 22 September 2023. The justification for this decision is provided below.

National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which has included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Update March 2023:

National Highways continues to discuss the planning application and development proposals with the applicants based on our previous responses. At present these discussions have been focused on the modelling requirements, however all other matters remain outstanding.

Most recently National Highways has undertaken a review of the modelling which has been supplied by the applicant's additional transport consultants from Tetra Tech. This has been reviewed on our behalf by AECOM, and there are a number of matters where amendments or further clarification are required, as we are discussing these with the applicant's consultant team.

A further meeting took place on the 15 March 2023 between the applicants, us, North Warwickshire Borough Council, Warwickshire County Council and Staffordshire County Council, during which further discussion was had on the modelling requirements and the need to undertake refreshed traffic count surveys to resolve discrepancies within the existing model which has been submitted. The locations for these have been identified and discussed further. In addition, we are in the process of providing more detailed comments on the latest modelling information which had been provided to ourselves.

As the modelling was to be reviewed, it was discussed and agreed that consideration now had to be based on the requirements of the new Department for Transport Circular 01/2022, which replaces and supersedes the former Department for Transport Circular 02/2013.

In addition, we have provided comments on the Walking, Cycling, Horse-Riding Assessment and Review (WCHAR), these comments have been provided back to the

applicants for consideration, as well as comments regarding a proposed cycle link on the northern side of the A5 between the M42 Junction 10 and the proposed site access on the A5.

Once the modelling has been approved and the access arrangements and cycle link acceptability have been established, we will work with the applicants to agree the Road Safety Audit Stage 1 through the process as set out in GG119 Road Safety Audits which forms part of Design Manual for Roads and Bridges.

Therefore, we continue to work collaboratively with the applicant, their consultant teams, and the relevant Local Highway Authorities. We therefore await the provision of the additional information requested in our previous response to enable us to complete our assessment of the development proposals and consider whether they are acceptable in accordance with Circular 01/2022 and the National Planning Policy Framework.

In light of the above, National Highways recommends that planning permission not be granted for a period of six months from the date of this notice.



Appendix G:

National Highways Planning Response – 22 September 2023



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@nationalhighways.co.uk

To: **North Warwickshire Borough Council - FAO Andrew Collinson**

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

Proposal: 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

National Highways Ref: 93439

Referring to the consultation on a planning application dated 10 December 2021 referenced above, in the vicinity of the M42 and A5 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 22 September 2023
Name: Patrick Thomas	Position: Spatial Planner
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 22 March 2024. The justification for this decision is provided below. National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which has included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Update September 2023:

National Highways continues to discuss the planning application and development proposals with the applicants based on our previous responses. The applicant has undertaken fresh traffic surveys during July to address discrepancies within the existing model. Further discussions with the applicant have continued to focus on the modelling requirements, whilst a number of other matters remain outstanding. Most recently, National Highways has undertaken a review of a Baseline Transyt Validation report and a Consolidated Modelling Strategy note which has been supplied by the applicant's transport consultants, Tetra Tech. This has been reviewed on our behalf by AECOM, and there are a number of areas where amendments or further clarification are required and we are discussing these with the applicant's consultant team. A further meeting took place on 6th September 2023 between the applicant, National Highways, North Warwickshire Borough Council, Warwickshire County Council and Staffordshire County Council. Modelling was discussed and agreed that consideration now had to be based on the requirements of the new Department for Transport Circular 01/2022. In addition, we have previously provided comments on the Walking, Cycling, Horse-Riding Assessment and Review (WCHAR), Stage 1 RSA Brief these comments have been provided back to the applicant for consideration, as well as comments regarding a proposed cycle link on the northern side of the A5 between the M42 Junction 10 and the proposed site access on the A5.

We are also in receipt of a Vision Based Travel Plan document from the applicant, which is currently under review by AECOM on our behalf.

Once the modelling has been approved and the access arrangements and cycle link acceptability have been established, we will work with the applicants to agree the Road Safety Audit Stage 1 through the process as set out in GG119 Road Safety Audits which forms part of Design Manual for Roads and Bridges. Therefore, we continue to work collaboratively with the applicant, their consultant teams, and the relevant Local Highway Authorities. We therefore await the provision of the additional information requested in our previous response to enable us to complete our assessment of the development proposals and consider whether they are acceptable in accordance with Circular 01/2022 and the National Planning Policy Framework. In light of the above, National Highways recommends that planning permission not be granted for a period of six months from the date of this notice.

In light of the above, National Highways recommends that the application not be granted for a period of three months from the date of this notice, recommending the submission of additional information mentioned above.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.



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