

CD-D24

NORTH WARWICKSHIRE BOROUGH COUNCIL

**Land north-east of Junction 10 of the M42 Motorway, Dordon, North
Warwickshire**

Appeal by Hodgetts Estates

APPEAL 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.

PROOF OF EVIDENCE OF

Dorothy Barratt

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North Warwickshire Borough Council

Planning Inspectorate's Reference: APP/R3705/W/24/3336295

Council's Reference: PAP/2021/0663

29 May 2024

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A Qualifications & Experience

- A.1 My name is Dorothy Barratt. I have worked at North Warwickshire Borough Council since 1992 as Senior Planning Policy Officer, then Senior and Economic Development Officer and then in 2001 I became the Borough's Forward Planning & Economic Development Manager.
- A.2 I hold a BA (Hons) degree in Urban Planning Studies and a Diploma in Urban Planning Implementation from the Polytechnic of Central London. I am a member of the Royal Town Planning Institute.
- A.3 I have 36 years' experience of working in local government (forward planning, economic development and development control).
- A.4 During this time I prepared evidence for the North Warwickshire Local Plan 1995. I then prepared and gave evidence for the Warwickshire Structure Plan (WASP) August 2001; West Midlands RSS 2005; North Warwickshire Local Plan 2006; Core Strategy 2014; North Warwickshire Local Plan 2021 and four section 78 appeals.
- A.5 The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution.
- A.6 I set out in Section 1, the scope of my evidence to this Inquiry. It relates to the employment land considerations.

B Summary of Proof of Evidence

- B.1 This proof of evidence presents part of the Council's case in respect of its minded to refuse decision for the planning application for development of land at Junction 10. The appeal proposal seeks 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. An illustrative master plan indicates 2 sections of the site.
- B.2 Mr Collinson's proof fully describes the site and its surroundings.
- B.3 The starting point for assessing development proposals is the Development Plan for the area which consists of the adopted North Warwickshire Local Plan (2021) (NWLP) and the Dordon Neighbourhood Plan (2023) (DNP). Also relevant to this appeal is the Emerging Employment Development Plan Document (EEDPD). The National Planning Policy Framework (NPPF) is also a material consideration in all planning decisions.
- B.4 Mr Collinson's proof of evidence will look at the impacts of the development in full whilst my proof will concentrate at looking at the employment considerations.
- B5 The proof covers the following points:
- a) whether the proposal accords with LP6 in respect of immediate need or being a certain type of development;
 - b) what weight should be attached to the provision of lorry parking in respect of LP34;
 - c) what weight should be attached to the Emerging Employment Development Plan Document and call for sites; and,
 - d) the weight that should be given to the site being rail served.
- B6 The Council recognises that the creation of jobs are benefits which weigh in favour of the development, however it considers that the need for employment land or lorry parking do not outweigh the harm caused to the Local Plan policy LP4 Strategic Gap.

1 Introduction

- 1.1 This proof of evidence presents the Council's case in respect of the employment land in North Warwickshire.
- 1.2 My proof will focus on the following matters:
- a) whether the proposal accords with LP6 in respect of immediate need or being a certain type of development;
 - b) what weight should be attached to the provision of lorry parking in respect of LP34;
 - c) what weight should be attached to the Emerging Employment Development Plan Document and call for sites; and,
 - d) the weight that should be given to the site being rail served.
- 1.3 I will conclude if these outweigh the weight in favour of the proposal against the Development Plan and any other material considerations.

2 The Proposal

- 2.1 The proposal for the site 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.”
- 2.2 An indicative layout was submitted with the planning application.

Recommendation by Planning & Development Board

- 2.3 The Borough Council on 4th March 2024 at the Planning & Development Board made the following recommendation if it had made the decision on the planning application:

1. *The proposal does not accord with Policy LP4 of the North Warwickshire Local Plan 2021 together with policies DNP1 and DNP4 of the Dordon Neighbourhood Plan 2023 in that it does not maintain the separate identities of Tamworth and Polesworth with Dordon. This is because its scale, character and appearance significantly reduces the physical and visual separation between these settlements. It is considered that the benefits of the proposal as outlined by the applicant do not outweigh this significant harm as the requirements of Local Plan Policy LP6 and LP34 are not fully demonstrated.*

2. *The application site lies outside of any settlement boundary as defined by Policy LP2 of the North Warwickshire Local Plan 2021 and is thus within the open countryside. The proposed development would result in a range of significant adverse landscape and visual effects which fail to respect or respond positively to the key characteristics of the surrounding area. The proposal is this contrary to Local Plan policies LP1, LP14 and LP30 together with Policies DNP1 and DNP4 of the Dordon Neighbourhood 2023 as supplemented by the National Planning Policy Framework 2023.*

3. *The applicant has failed to demonstrate that the development would not result in an unacceptable impact on both the strategic and local highway networks or that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users, including those travelling by sustainable modes. On this basis the proposed development would result in a severe impact on the road network contrary to policies LP23, LP27 and LP29(6) of the North Warwickshire Local Plan 2021 and paragraph 115 of the National Planning Policy Framework 2023.*

(Source: Board Report 04/04/24 CD E59)

3 Descriptions of the Site and Surrounding Area

- 3.1 The site is described in the proof of evidence of Mr Collinson and is not repeated here.

4 Policy Background

The Development Plan

- 4.1 Decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).
- 4.2 The development plan for North Warwickshire comprises the North Warwickshire Local Plan (adopted in September 2021 and referred to as the NWLP (CD-F1)) and the Dordon Neighbourhood Plan (adopted Dec 2023 and referred to as the DNP (CD-F9)).
- 4.3 The NWLP sets out a Spatial Vision for the Borough. The spatial vision explains that “*Employment generation will benefit local residents and ensure long lasting benefits to the Borough, including improved skills, reducing out commuting and regeneration of industrial estates where appropriate*”. (Source: page 15 of the NWLP 2021)
- 4.4 Mr Collinson’s proof will discuss the whole range of planning policies but this proof concentrates on the relevant employment policies. Reference is also made to LP4 – Strategic Gap in terms of the planning balance in terms of whether the evidence of immediate need or a certain of development outweighs this strategic NWLP policy.
- 4.5 I refer to four main employment related policies from the NWLP of LP5, LP6, LP34 and LP39. Policies LP6 and LP34 have been referred to in the minded to refuse recommendation (4th March 2024). These refer to strategic employment and lorry parking. In addition, LP5 deals with the amount of employment land required as a minimum during the plan period. A copy of LP5, LP6, LP34 and LP39 are provided as Appendix A to this proof but can also be found in CD F1 (NWLP pages 36, 36, 75 and 82 respectively). There is also a chapter in the NWLP which deals with the issue of employment covering economic
- ...

regeneration, employment areas and rural employment (NWLP 2021 CD F1, pages 44 to 46).

- 4.6 Policy LP4 relates to the Strategic Gap, the area of which is defined on the policies map showing its exact location. The policy seeks to “*maintain the separate identity of Tamworth and Polesworth with Dordon... in order to prevent their coalescence*”. (Source: policy wording from LP4). It has a very long history in terms of originally being in the Warwickshire Structure Plan as an Area of Restraint. It is now locally defined in the NWLP and with development taking place to the east of Tamworth it is under extreme pressure.
- 4.7 Policy LP5 deals with the amount of development, including employment land expected to be delivered during the plan period. It explains that between 2019 and 2033 a minimum of 100 ha of employment land will be provided and that the employment land will be directed towards settlements appropriate to their size and position in the hierarchy, as expressed in NWLP policy LP2, and will be appropriate to the scale and size of the settlement.
- 4.8 Policy LP6 deals with the issue of additional employment land. The policy does not include an amount of land expected to come forward, but rather it seeks evidence of an immediate need or for a certain type of employment land. As no studies could determine how much land the Borough Council should seek to allocate it provided an opportunity, where evidence were provided, to allow sites to come forward, where a particular need was identified. However, as stated in the reasoned justification “any weight accorded to proposed employment provision by virtue of this policy will be considered in the context of the policies in the plan as a whole in arriving at a balanced assessment.” (Para 7.46 page 36 NWLP 2021 CD F1)
- 4.9 LP6 was introduced following consideration by the Local Plan Inspector into the now adopted Local Plan. The new policy was referenced as LP6a in the Inspector’s Report and the Appendix containing the Main Modifications (now LP6 in the adopted Plan). An extract of the Inspector’s Report is attached as Appendix B for ease of reference (CD F15).
- ...

- 4.10 The Local Plan Inspector explained in relation to strategic employment sites that although the Core Strategy previously had tried to “*grapple with similar issues...there remains no clear evidence as to what level of development should necessarily be delivered in the Borough as opposed to elsewhere.*” He went on to say in para 180, “*Nonetheless by consequence, and for consistency with NPPF 2012 paragraph 17 and paragraph 82, the Plan needs to address this issue. That would be achieved via the incorporation of **MM40** and **MM120**.*” (Main Modification 40 was the introduction of new policy LP6a¹ whilst MM120 was a monitoring indicator. (CD F15)
- 4.11 The discussion at the examination hearings did not result in any clear answers for the Inspector as to how much land the Borough Council should allocate. The Inspector considered that “*In my view MM40 strikes an appropriate balance between according weight to provision of employment growth whilst not undermining the value accorded to a plan-led system in the NPPF 2012.*” He went on to say that this policy “*must be read in conjunction with other Local Plan policies rather than automatically taking precedence over them (given that Area A encompasses Green Belt land and also land identified as ‘Meaningful’ or ‘Strategic’ Gap via Plan policy LP5 as addressed subsequently in this report).*”
- 4.12 LP6 was therefore introduced as a means to ensure that the Borough Council could consider employment opportunities that may be lost to the area through the lack of suitable sites. The policy refers to an identified immediate need or for a certain type of development. The Local Plan Inspector explained as seen in paragraph 4.11 above this was not to be at the expense of the Green Belt or the Strategic Gap policies.
- 4.13 LP34 deals with parking generally with a specific section on the provision of lorry parking.

¹ LP6a in the Local Plan Inspector’s Report is now LP6 in the adopted version of the Local Plan.

- 4.14 LP39 deals with the allocation of employment sites.
- 4.15 At the time of its adoption, the NWLP recognised that in addition to delivering North Warwickshire's development needs, there was a requirement to consider the needs of adjoining authorities. At the time those needs were identified for housing. The Borough Council is delivering homes for the Greater Birmingham HMA (including Tamworth) and Coventry and Warwickshire HMA. Tamworth Borough Council had identified a need for 14 hectares of employment land to be allocated for their employment needs between North Warwickshire and Lichfield DC. Before adoption of the NWLP two sites to the southeast and southwest of junction 10 M42 were approved for developed and so the need from North Warwickshire was met, and no allocation of land was required within the NWLP. In addition, the Borough Council proposed to allocate the former Power Station B site on the edge of Hams Hall and before the NWLP was adopted gave planning permission.

Other Material Considerations

Emerging Employment Development Plan Document

- ... 4.16 The latest Local Development Scheme (LDS) dated July 2023 is attached as Appendix C (also CD F4). It was approved by the LDF Sub-committee in July 2023. It refers to the Borough Council progressing an Employment Development Plan Document (DPD). It is expected the Emerging Employment DPD (EEDPD) will be submitted before the 30 June 2025 deadline for it to be considered in the current plan making process. An updated LDS is expected to be considered by the LDF sub-committee at its meeting on 2 July 2024. There is no expectation that there will be a change to this timeline of submitting the EEDPD for consideration before 30 June 2025.
- 4.17 The Borough Council has just completed a consultation (closed on 9th May) on the Draft Employment Development Plan Document – Scope, Issues and Options (known as Emerging Employment DPD, CD F7). The consultation was

accompanied by a “call for sites”, a revised Statement of Community Involvement, Draft Scoping Sustainable Appraisal and a Draft Economic Development Strategy. Although the initial consultation has happened slightly later than expected from the timeline shown in the LDS the Borough Council is on track to progress the EEDPD through to formal submission by no later than 30 June 2025. A report is being prepared for the LDF sub-committee on 2nd July 2024 to provide members information on the responses made to the consultation and information on sites that have been submitted through the call for sites.

4.18 During the preparation of the EEDPD, the Borough Council will identify reasonable alternative sites. This will utilise the information from the call for sites as well as any other sites the Borough Council is aware of. This information will be used in the Sustainability Appraisal process as well as feed into the development of the planning policy document.

4.19 127 sites have been submitted through the call for sites. The potential uses cover residential, leisure, nature and employment uses or mixed. Over 2500 hectares (6200) acres have been submitted to date. Those sites that have been submitted as potential employment (this includes potential mixed sites) purposes equates to over 1625 hectares (4250 acres). The appeal site with the land to the east up to Dordon has been submitted (Appendix D Site Reference CFS 115). This is just under 75 hectares and has been submitted as employment, nature; recreation and mixed.

...

4.20 The appeal site has been submitted as a site to be considered for employment as well as housing through various call for sites including this latest call. It was submitted for consideration for development as part of the first Strategic Land Availability Assessment in 2008 which was published in March 2010. It was part of a larger area stretching from the M42 to the development boundary of Dordon to the east covering over 75 hectares. Half of the site (the eastern half) was identified as a reasonable alternative for housing in the Sustainability Appraisal process which accompanied the Draft Site Allocations 2015 (this

document was subsumed into the allocations in the NWLP) and the current Local Plan.

National Planning Policy Framework

4.21 The National Planning Policy Framework 2023 (NPPF) is a material consideration in all planning decisions. As is made clear in paragraph 12 of the NPPF, it does not change the statutory status of the development plan as the starting point for decision making: It states:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

4.22 Paragraphs 7 and 8 of the NPPF explain that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development: economic, social and environmental. In paragraph 8(a) it states that the economic objective is *“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.”*

4.23 Paragraph 15 sets out the Government’s objective that “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

- 4.24 Rail is referred to twice in the NPPF. The first is in footnote 46 and relates to rail freight interchanges (page 32). It states: “*Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).*” The only other reference is in relation to rail infrastructure at para 124 (d).
- 4.25 The policies of the NPPF taken as a whole constitute the Government’s view that development should be plan led, and sustainable development needs to take account of the economic, social and environmental aspects.

Other Strategy Documents

Economic Development Strategy

- 4.26 The Borough Council has consulted on a Draft Economic Development Strategy. Its vision is to “...*provide the right tools and support to create an inclusive, diverse and vibrant economy, in which:*
- *Local residents have the skills to access high quality, well paying jobs;*
 - *Businesses, residents and public sector partners have embedded practices that deliver net zero targets;*
 - *Our town and villages centres are focal points for community activity and are attractive to new, high spending visitors; and,*
 - *Public, private and voluntary sector partners work in partnership to champion the Borough and to secure the best deals for its residents and businesses.”*

(Source: page 2 of Draft Economic Development Strategy and Action Plan CD I3)

This will be delivered through four priority themes of theme 1 of Supporting business growth and innovation; theme 2: Talent: employment and skills; theme 3: Development and connectivity; and, theme 4: Towns and villages.

- 4.27 It is intended to take a final version of the document for approval to the LDF sub-committee on 2nd July 2024.

Evidence of employment need

- 4.28 The evidence for employment need for the NWLP was various Employment Land Reviews as well as the 2015 West Midlands Strategic Employment Sites Study. The most recent evidence the Borough Council will use in the forthcoming EEDPD will be the Coventry and Warwickshire Housing and Employment Needs Assessment (CW HEDNA) and the awaited West Midlands Strategic Employment Sites Study. Both will be used along with any other evidence to determine a plan-led approach to the allocation of further employment sites.
- 4.29 In the plan making process there will also be discussions with neighbours and other local planning authorities within the Greater Birmingham and Coventry and Warwickshire area as well as Leicester / Leicestershire to determine any needs that will be expected to be accommodated within North Warwickshire.

CW HEDNA

- 4.30 The Borough Council has worked with the other local authorities within the Coventry and Warwickshire area to prepare a Housing and Employment Needs Assessment (HEDNA). This was published in November 2022 with corrections being made to it in March 2023. This is a document that will inform the future plan making process.
- 4.31 There is a correction I would like to draw the Inspector's attention to in the reported HEDNA by the appellant. The correct table 10.19 is shown below. This indicates that across the Coventry and Warwickshire area there is a need up to 2041 of 551 ha and the need to 2050 is 735 ha of land for Strategic B8 uses.

Table 10.19 Recommended Need for Strategic B8 – Coventry & Warwickshire

Ha	Need to 2041	Need to 2050
Base Need	436	620
5 Year Margin	115	115
Total Land Requirement	551	735

(Source: Table 10.19 from the CW HEDNA 2022 as corrected in March 2023)

Other studies:

- 4.32 There are two West Midlands Strategic Employment Sites Studies (WMSESS) prepared in 2015 and 2021 (CD I1 and CD I2) which have considered the issue of strategic employment sites with a policy off approach. The first Study was intended to fill the gap of regional planning by determining the need for wider than local employment sites. These sites would have fell into the old RSS definition of over 25+ hectares and for companies who tended to be footloose and able to locate nationally and internationally. The 2015 Study did not provide any notion of the amount of land that North Warwickshire should deliver.
- 4.33 A further study was prepared and published in 2021, which is a “successor study” as mentioned in policy LP6. The 2021 WMSESS again did not indicate the amount of land that the Borough Council should be seeking to deliver. It had a “semi call for sites” and this indicated well over 800 hectares of potential land in North Warwickshire. 14 local planning authorities as well as the West Midlands Combined Authority have joined together to progress a further study to try and determine the amount of land that each local planning authority or sub-region should be seeking to deliver. This latest study is still awaited, although a final version is expected to become available sometime in July 2024.

5 The Case

5.1 This section will look at the reasons for refusal and consider whether there are any material considerations justifying the grant of planning permission.

5.2 There are matters that have been agreed with the appellant and these are outlined in the Statement of Common Ground (CD D13). It is agreed that the site lies within the golden triangle, and, for clarity, this is shown and described in the documents attached as Appendix E (*“Warehousing and the Golden Logistics Triangle”*, by Morgan King, 26 Feb 2024, extract from a report by Savills Report, 17 Nov 2020 and information from the Logistics Learning Alliance 29 Mar 2019). Matters in relation to employment from the statement of common ground are taken as read and are not repeated here.

5.3 This proof of evidence will therefore focus on the following items where there remains a dispute.

- a) That the proposal accords with NWLP policy LP6 in respect of additional employment land.
- b) What weight should be attached to the provision of lorry parking in respect of NWLP Policy LP34 on lorry parking provision and facilities.
- c) The weight to be attached to the emerging Employment DPD and call for sites.
- d) The weight that can be given to the site as being rail served

a) **Does the *proposal accord with Local policy LP6 in respect of additional employment land?***

5.4 The appellant is relying upon Policy LP6 Additional Employment Land of the NWLP, which states:

“Significant weight will be given in decision taking to supporting economic growth and productivity, particularly where evidence demonstrates an immediate need for employment land, or a certain type of employment land, within Area A on Figure 4.10 of the West Midlands Strategic Employment Sites

Study of September 2015 (or successor study) which cannot be met via forecast supply or allocations. The relevant scheme will be required to demonstrate:

- (i) access to the strategic highway network is achievable and appropriate,*
- (ii) the site is reasonably accessible by a choice of modes of transport,*
- (iii) it is otherwise acceptable, taking account of the living conditions of those nearby.”*

5.5 The supporting text states:

“Area A encompasses land covered by the Strategic Gap, designated Green Belt, and land which is not in categories 1, 2, 3 or 4 of plan policy LP2. This policy does not automatically override other policies but recognises that there are particular locational requirements specific to certain employment uses and economic benefits to addressing needs in those locations. As such, any weight accorded to proposed employment provision by virtue of this policy will be considered in the context of the policies in the plan as a whole in arriving at a balanced assessment.” (Emphasis added)

5.6 Both WMSESS Studies defined broad locations for areas of search for strategic employment sites. The 2015 WMSESS (CD I1) identified boxes, Area A and Area B which are shown in Appendix F1. The 2021 WMSESS (CD I2) introduced Areas 1 and 2 and these are shown in Appendix F2. The 2021 Study explained, *“Broad Locations: Based on our analysis of the quantum of supply, market intelligence around areas witnessing considerable demand, and those areas achieving highest land prices, the prime market facing locations for Strategic Employment Sites are to the east of Birmingham in an area from J2 of the M42 in the south, north to J10 of the M42, south west to J14 of the M40 and east to J1 of the M6. We have identified five key clusters of sites and consider that the focus for identifying strategic employment sites should be in the four ‘Key Locations’ shown below.”*

5.7 These key locations identified in the 2021 WMSESS generally follow the Strategic Road Network (SRN) corridors, with Area 2 being the M42 corridor and Area 1 covering part of the A5 and the area down to Coventry. These areas are consistent with and simply reflect what the market is looking for. These

studies are policy off. It is then down to the local plan authority to allocate land in way that takes all matters in to consideration and determine the best location for allocations for the benefit of the Borough as a whole. As the 2021 Study states at paragraph 5.19 it is “*explicitly not the purpose of this Study to allocate sites, or to prejudge or prejudice the preparation and examination of local plans. Any Strategic Employment Site will need to be assessed through the local plan making process and, in this regard, it will be essential that site promoters engage with Local Authorities.*”

Immediate Need

- 5.8 While there may be a general need for additional land to meet development needs of the Borough over the plan period based upon the evidence base this is addressed through the development plan and emerging plans. Additional employment land would be assessed against the policies of the development plan as a whole with appropriate weight placed on the Strategic Gap policy and considerations of need and economic growth balanced against any harm to the Strategic Gap and other harm. Part of that consideration would be the availability of other alternative sites. To benefit from Policy LP6 an applicant would need to demonstrate no other sites are available or could be made available ahead of the appeal site and that economic growth and productivity would be lost in the absence of such a site.
- 5.9 In respect of immediate need, this would apply to occupiers, who would produce economic growth and productivity, actively seeking a suitable site. In the absence of a suitable vacant unit occupiers would look at pipeline supply and consider completion timescales. It would be unusual for an unconsented or unallocated site to be considered to meet an immediate need. In a strong occupier market developers will speculatively build standard units of a size attractive to the market. In a weaker market developers will progress sites to outline or hybrid stage to minimise delay for potential occupiers. Occupiers are reluctant to commit to schemes which are not sufficiently progressed to provide certainty of completion. That is unless the unit is bespoke or built to suit (BTS) in which case there would be a named occupier.

5.10 We have not been made aware of a specific or named occupier seeking premises ‘immediately’.

5.11 The delivery of the first unit could follow the following timescales:

Process	Potential Timeline
Appeal	July 2024
Outline Consent	October 2024
JR Period	December 2024
Reserved Matters	June 2025
Commence on Site	August 2025
Practical Completion	Jan 2027

5.12 In terms of industrial and logistics pipeline in the East and West Midlands this ... is set out in Appendix G and explained below.

5.13 Development decisions in respect of locations, types, sizes, supply are generally guided by research information from large surveying firms as well as in house experience. A main source of market intelligence on industrial land is via Savills Research which is based on a comprehensive knowledge of development activity of the market. JLL and CBRE, who are advising the applicant, also produce similar market assessments as do other surveying firms. Developers and investors tend to rely on this evidence in making investment decisions to ensure they are bringing the right type of stock to the market, in the right location and at the right time.

5.14 Savills undertake an annual logistics market overview, the latest is, “*Big Shed Briefing UK Logistics*”, January 2024 (Appendix H). Generally, it can be seen to show a less critical and immediate need for logistics space than during the pandemic but with a continuing need over the longer term. This is exemplified by the key nationwide overview headline “Take up falls 34% but remains 12% above the pre-Covid average.” The massive levels of demand during Covid were fuelled by retailers’ response to lockdown and supply fears through on-line sales. Growth was concentrated in a very short period of time. A return to more normal conditions, combined with high interest rates and cost of living crisis has slowed demand for additional space.

- ... 5.15 Similar research from JLL and CBRE (Appendices I and J) show the same overall trends.
- 5.16 The take up of space has slowed considerably from the highpoint of 2021 and the combined effects of Covid and Brexit. As a general guide Savills consider a vacancy rate of 8% to be the balancing point where rents are stable and where the market will seek to be. During 2021 some parts of the country, like the Golden Triangle got to levels of 1%, or three months, supply of vacant floorspace. It could be said that where North Warwickshire in that position now there would be an immediate need for additional employment land to be permitted or allocated. That is no longer the case with the UK average being around 4% vacancy, although some areas are lower. The Appellant’s evidence points to vacancy levels of 4-5% (source CD A13 para 6.15, Employment Land Needs Assessment), which is below the balancing point but still providing head room for potential occupiers needing to locate within the area.
- ... 5.17 In Appendix G, a table and map are provided to provide details of available employment sites across North Warwickshire and the surrounding Local Planning Authorities. As shown on the map, the map number and location correspond with the sites detailed in Table 1 below.

Table 1:

Location	<ul style="list-style-type: none"> • North Warwickshire District (NWD) • Area 2 in NWD • Area 2 outside NWD • Other within sub-region
Site	Developer name, site name or plan name
Planning Status	<ul style="list-style-type: none"> • Allocated sites within an adopted local plan; • Draft allocated sites within an emerging local plan; • Sites with outline planning permission; • Sites where a planning application has been submitted
Available space	<ul style="list-style-type: none"> • Whether sites have remaining vacant land or buildings • Speculative buildings floorspace • Vacant land • Total vacant floorspace • Total developable area based on 40% of site area
Other details	
Link to developer brochure or local plan	

... 5.18 The attached schedule of available, land and buildings, Appendix G Table and Plan show available land and buildings in the sub-region which could accommodate any immediate need from occupiers. The Schedule considers land and buildings in Area 2, Area 2 within NW, NW and the wider area. There has been no demonstration of an immediate need within Area 2, as referenced in LP6, and I have considered whether there is a shortage of land or buildings to meet an immediate need not specifically requiring a location in Area 2.

5.19 The schedule sets out total available land and floorspace, land is converted to floorspace based on 40% site density. Floorspace is defined by developers but where plots have not been speculatively built out there would be the opportunity to combine land for specific users requiring larger site.

5.20 Overall, the schedule shows,

Status	Location	Floorspace Sq ft	Land Sq ft
With Planning Permission	All	3,222,742	20,753,764
	Area 2	0.0	2,109,171
Application Submitted	All	0.0	10,298,114
	NW	0.0	2,298,114
Allocated	All	0.0	21,013,691*
	Area 2	0.0	1,016,112

*Please Note: The Regulation 18/ and 19 potential allocations coming forward in emerging Local Plans have not been included in this figure.

5.21 This includes within Area 2;

A) Peddimore (identified as sites 4 and 54 on map in Appendix G) where plots are available of:

- Zone A (1) - 180,500 sqft (Build to Suit)
- Zone A (2) - 151,750 sqft
- Zone A (3) - 70,000 sqft
- Zone A (4) - 145,500 sqft
- Zone B (1) - 1,000,000 sqft
- Zone B (2) - 110,500 sqft

B) TRW Stratford Road, Shirley, Solihull (identified as site 31 on map in Appendix G), 18ha allocation.

- C) Rail Central (identified as sites 15 and 45 on map in Appendix G) - Up to 702,097 sq m (Gross External Area) of rail connected and rail served warehousing and ancillary service buildings including a lorry park, terminal control building and bus terminal.

5.22 Additionally, in North Warwickshire:

- D) Land to the south of MIRA Technology Park / MIRA (identified as sites 25 and 59 on map in Appendix G) - E4 allocation of 145 acres / 58.7 ha / 2,298,114 sq.ft. / 213,500 m.sq. where an application has been submitted and the Borough Council has taken the decision to approve subject to National Highways withdrawal of their objection and to the signing of the S106. This is in addition to the 6,316,200 sq ft being delivered on the northern MIRA site.

- ... 5.23 In addition, I would draw the Inspector's attention to Appendix M the Coventry and Warwickshire Inward Investment prospectus which has been prepared to as part of the marketing material for the sub-region and being used at the real estate, investment and infrastructure conference, UKREiiF, in Leeds in May 2024. This promotes a range of sites for a range of uses within the sub-region. Invest Warwickshire also produced a document called Commercial Space – 'Spec' Build Availability Review Coventry & Warwickshire Area in March 2024 which was then updated in April. The study was conducted on the availability of speculatively developed commercial industrial units in the city of Coventry and the county of Warwickshire. It is attached as Appendix K. This indicated in the April update there were 49 industrial units that have been speculatively built or are just about to be completed, representing 3,280,903 sqft of available space, while a further 2,980,069 sqft over 34 buildings over the same schemes have already been let. Seven of these were pre-lets, over three sites representing 2,395,942 sqft, and the remaining 884,961 sqft was spec built.
- ...

Certain Type

- 5.23 Policy LP6 and supporting text refer to [need for] a certain type of employment land with particular locational requirements.

- 5.24 The appeal proposal is for,
“Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved.” (PAP/2021/0663)
- 5.25 In order to accelerate delivery in strong markets developers will usually make a hybrid application including details for earlier phases of proposals. This can accelerate delivery of speculative units to meet early or immediate needs. The application is purely for outline consent to develop either B2 or B8 uses. Clearly there is no specific occupier in mind. Applying for such a broad range of uses adds complications and delays as parking requirements and traffic generation differs markedly between B2 and B8 uses.
- 5.26 In all respects the application is for a standard generic form of employment development. The appeal proposal does not have a particular locational requirement specific to certain employment uses other than what is common to all big box development. The employment use proposed could be located in any employment location as they are addressing a general employment land need.
- 5.27 The specific requirements for logistics sites are for large, relatively flat sites with good access to the strategic road network, it is normal to work on a 40% net to gross ratio for sites so an average unit size of 23,225 sq m (250,000 sq ft) needs a site of around 6 ha (14 acres). Sites need to be relatively flat, or capable of creating development platforms through cut and fill, generally in single ownership, of a regular shape, and free of significant constraints. (See also Appellant’s evidence Employment Land Statement, CD A12, paragraph 3.2, page 32, JLL).

5.28 In respect of speculative buildings these will be guided by market research in respect of take-up rates, vacancies, size and type. Information is available as to speculative development pipeline and availability by size as well as take up rates. This is discussed below in respect of research findings.

5.29 The 2015 WMSESS defined strategic employment sites as,
“Strategic employment sites are business development sites that can bring net additional activity and jobs to the region by:

- *attracting nationally or internationally mobile business activity;*
- *providing accommodation that would not otherwise come forward through the local planning system, principally because:*
 - *they are large sites, providing at least some 25 ha and often much more;*
 - *they may be in greenfield locations.”*

5.30 The 2021 Study uses a similar definition:

*“Strategic employment sites over 25ha which could attract nationally or internationally mobile business activity; and
Sites which meet the strategic needs of the region in relation to specific growth sectors (e.g. Life Sciences) which are economic priorities but do not require extensive land take and will therefore be under the above 25ha threshold. We will identify broad locations where strategic economic growth could occur for these growth sectors with no minimum threshold size. The specific sites will be identified locally through the plan making process and not through this Study”.*

5.31 In respect of “the unique characteristics of the Site” and uniqueness referred to by the Appellant as referred to above the Appellant identifies the main aspects of sites required to a lesser or greater degree by investors, developers and occupiers (Employment Land Statement CD A12). These include:

- *A location directly to the northeast of junction 10 of the M42 in a logistics hotspot in the West Midlands.*
- *Direct access to the A5, a key growth corridor and strategic east-west route which serves major ports for UK trade and industry.*

- *Clear and easy access to BIFT and other rail freight interchanges along the M42.*
- *Accessibility to the principal settlements of the area, giving good reach to local labour supply, but sufficiently distant to allow 24-hour operations without an adverse effect upon residential amenity.*
- *A close and complementary relationship to existing industrial and distribution property in the area (e.g. Tamworth Logistics Park, Centurion Park and Birch Coppice).*
- *Significant scale to accommodate very large floor plate buildings up to 1 million sq. ft.*
- *Well located to meet the needs of Tamworth, particularly for local SMEs.*
- *A regular shaped and flat site.*
- *The land is in the full control of a competent and experienced developer of industrial and distribution property (namely Hodgetts Estates)."*

5.32 It doesn't seem appropriate to describe some of the site's qualities making it unique on the basis they are the site. Clearly the site is unique as being the only site in this precise location or being owned by the appellant.

5.33 The Appellant's Employment Land Statement (CD A12) refers to the 2021 Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change Study produced by GL Hearn and MDS Transmodal and that the Study provided criteria for the selection of sites for strategic warehousing. These being:

- *Good connections with the strategic highway network – close to a junction with the motorway network or long-distance dual carriageway. Motorway/dual carriageway junctions and the approach routes should have sufficient network capacity;*
- *Appropriately located relative to the markets to be served;*
- *Offers modal choice; is served by a railway line offering a generous loading gauge (minimum W8), available freight capacity and connects to key origins/destinations directly without the requirement to use long circuitous routes;*

- *Is sufficiently large and flexible in its configuration so that it can accommodate an intermodal terminal and internal reception sidings;*
- *Is sufficiently large and flexible in its configuration so that it can accommodate the range of sizes of distribution centre warehouse units now required by the market;*
- *Is served from an electricity supply grid with sufficient capacity to permit the charging of large fleets of battery-electric freight vehicles simultaneously, or part of the electricity supply grid which can be upgraded (network reinforcement) relatively easily and at a reasonable cost;*
- *Is accessible to labour, including the ability to be served by sustainable transport, and located close to areas of employment need; and*
- *Is located away from incompatible land-uses.*

5.34 Based on the above criteria the appeal site is not considered to be unique in the sub region or Area 2. As such there is not the need to locate a site in the Strategic Gap.

Disaggregation

5.35 The same approach to need for development in the Strategic Gap based on the criteria in LP6 must be taken for each element of the scheme and the extent these can be disaggregated. In this respect there is no requirement for the lorry park to be combined with the employment use land. Standalone proposal for lorry parking come forward such as the proposal at land west of Hams Hall roundabout and south of Marsh Lane, Curdworth (CD K3).

5.36 Various masterplans submitted by the Appellant show a number of large units, which could be disaggregated to sites outside the Strategic Gap. No evidence has been presented as to why units need to be on a single site at the cost of harm to the Strategic Gap. The availability of other sites outside the Strategic Gap to meet general employment need will be considered through the development plan process.

b) What weight should be attached to the provision of lorry parking in respect of NWLP Policy LP34 on lorry parking provision and facilities

5.37 NWLP policy LP34 says that:

“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-making”.

5.38 The policy recognises that the Borough lies within an area for demand for more lorry parking and weight should be given to proposals that provide for such use. However, it does not follow that this should lead to support for the proposal as a whole or in part. As indicated above, the HGV park may be complimentary to the employment proposal, but they are not essentially linked and the main purpose of the application is that of an employment site. The two uses could well be disaggregated (as indicated above para 7.6). Moreover, the harms caused by the whole proposal include the cumulative uses on this site.

5.39 The DfT has carried out a survey of overnight facilities for HGV’s which indicates that there is only a 62% on-site night utilisation within the Midlands (CD I11 Dft part 2). This is the lowest of all of the regions considered with the East of England route having a 99% usage, 89 % for the South East and 88% for the North East of England. This indicates that there is capacity within this region and does not mean there is an immediate need for further provision.

5.40 National Highways has issued a further study called Lorry Parking Demand Assessment, September 2023 prepared by AECOM (CD I3). This further update has also been carried out by National Highways, who operate the Strategic Road Network. The plan below shows the situation in 2023 in the East and West Midlands.

(Source: CD- I3, National Highways Lorry Park Demand Assessment – page 7)

Lorry Parking Demand Assessment

Demand by LPA area

In conducting a comprehensive assessment, a ranking system was developed that evaluated local authorities by comparing the severity of their lorry parking issues in relation to each other. This system allows for a better understanding of which areas warrant closer inspection and attention, as demonstrated below in Figure 0-2.

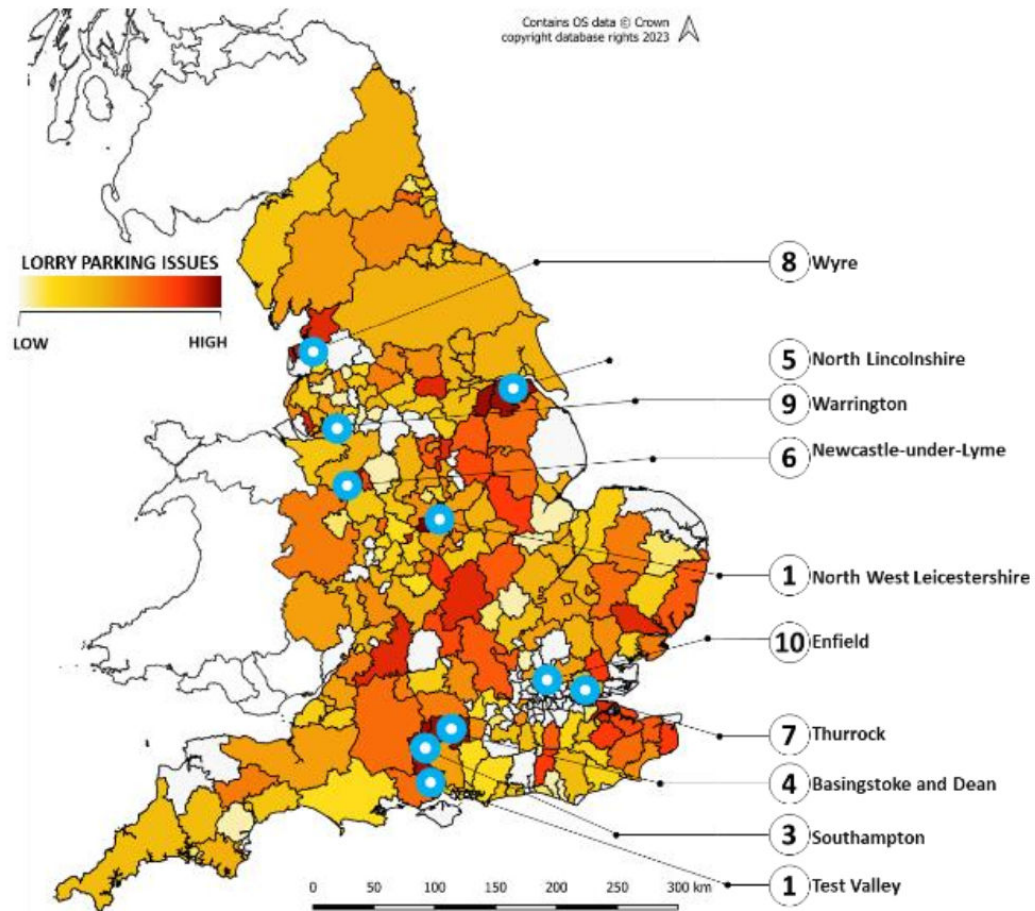


Figure 0-2: Lorry parking issues by local authority

- ... 5.38 At Appendix K there is information on the provision of lorry parking available within the West and East Midlands. One of these alternative sites is to the west of junction 10 M42 at the Moto Services - Motorway Services Area (MSA). This site is in the northwestern quadrant of the junction directly to the west of the appeal site (Site 3 in Appendix L).

- 5.39 There is already significant lorry and coach parking on the site with 56 HGV parking spaces and 18 coach spaces. The site includes a number of other facilities including petrol filling station (PFS), restaurants, retail premises and hotel facilities. Planning permission has been granted and implemented for an additional 38 HGV spaces which are currently being completed ensuring that they are future proofed for electric charging too (evidence CD I98, planning permission with layout and some photographs). There are significant opportunities on this site for additional HGV spaces if there is further demand for the facilities. It is considered that the M42 services provides a significant supply of facilities at a recognised MSA facility.
- 5.41 In the recent consultation on the EEDPD views on additional HGV parking has been sought via questions 12, 13 and 14 in Section 10. The question seeks view on whether any employment allocations should provide this complementary use or it should be stand-alone provision.
- 5.42 It is acknowledged the Inspector in the Curdworth appeal, highlighted in paragraph 5.35 above (CD K3) above, gave lorry parking significant weight in their deliberations. However, there is no reference to the latest National Highways Assessment (CD I3) of 2023 where North Warwickshire is viewed as an amber area of need rather than a red area in need of further facilities required immediately.
- 5.43 As explained above, a planning permission is being implemented at the M42 services (MSA) which will provide additional lorry services at an established facility used for both HGV and coach parking. The need in this area is not at a critical level unlike other regions and there are also a number of alternative facilities in area. It is considered therefore that moderate weight can be given to the HGV spaces being proposed on the appeal site.

c) *The weight to be attached to the emerging NWBC Employment DPD and call for sites.*

5.44 As explained in para 4.16 above the Borough Council has prepared and has been out for consultation on a Draft Employment DPD – scope, issues and options (EEDPD). This work has in part been carried out because of the concern about speculative planning applications coming forward for sites that would be unacceptable in local planning terms. The Borough Council is keen to take control of the situation and as the Local Plan Inspector and other appeal Inspectors (such as Daw Mill CD K5) have said the Borough Council has a history of grappling with issues and is proactive in getting solutions. This is evidenced through the Borough Council being the only local authority within the Greater Birmingham housing market area with an adopted plan which deals with 10% of the housing shortfall. The NWLP is very proactive in that it seeks to deliver around 9600 homes up to 2033 of which less than half is for local needs.

5.45 Although I recognise that the EEDPD can be given very little weight at its current point of production, I remain of the position the provision of additional employment land should be through the development plan process and be planned as the NPPF intends. As explained above there is no evidence to show an immediate need or that this site is the only site that could deliver the proposed development for a certain type of development. Also, the Borough Council has shown its commitment to bringing forward a DPD as quickly as possible and has a track record of delivery in both plan making and employment sites.

d) *The weight that can be given to the site as being rail served.*

5.46 The issue as to whether this site can be considered “rail served” is a matter for interpretation rather than dispute. It is recognised that the site is within 2 miles of the intermodal freight terminal, BIFT (Birmingham Intermodal Freight Terminal) located within the Birch Coppice Business Park and around 8 miles to the north of the Hams Hall Intermodal Freight Terminal. Within the development industry this can be seen as being “rail served”. From a planning

perspective it is close to BIFT and so can access its services relatively quickly. In marketing such a site it appears that this closeness, although not directly rail served with trains entering and leaving the site, is considered to be “rail served”. For example, Magna Park to the south along the A5 in Harborough District is considered to be “rail served” although the closest rail facility is at DIRFT some 9 miles away.

- 5.47 However, being able to market the site as “rail served” should not add weight for the appeal site to be brought forward for development. Any site along the A5 corridor could thus be described as “rail served” be this from Horiba MIRA to the east to beyond Tamworth to the west, as well as anywhere from junction 11 M42 to the north down to Coleshill to the south along the M42. Being rail served is not therefore part of the uniqueness that means that the appeal site should be developed. As a result, only limited weight should be given to the site being “rail served”.

Employment Need

- 5.48 As part of the planning balance the need for employment land is an important consideration and has been raised by the appellant. The appellant has argued that notwithstanding LP6 there is an unmet need for additional employment land which is leading to lost investment which would benefit the local economy. The Borough Council considers that where proposals do not comply with LP6 then the most appropriate process to bring forward sites is through a plan led approach. It has already started to look at any future need through the EEDPD and it has also taken the decision (Full Council June 2022) it will undertake a full LP review once guidance is produced on the new plan making system.
- 5.49 An Annual Monitoring Report is prepared each year and the 2nd full report following the adoption of the NWLP was published in November 2023. The AMR's are CD F5 and CD F6. The NWLP through policy LP5 states that a minimum of 100 hectares of employment land will be delivered over the plan period to 2033. In order to provide the Inspector with the most up to date information the table on employment land provision has been updated and is

provided below. The base date for the NWLP is 2019 so the table goes from the 2019/2020 monitoring year (1st April to 31st March). Table 3 below provides the information up to the 31st March 2024.

Table 3: Total Land Supply as at 31st March 2024

	<i>over 0.4 hectares</i>	<i>under 0.4 hectares</i>	<i>Total</i>
<i>Total Completions Since 2019/20 – 2023/24</i>			
<i>2019/20</i>	0	0.39	0.39
<i>2020/21</i>	24.25	0.47	24.72
<i>2021/22</i>	42.79	0.25	43.04
<i>2022/23</i>	0	0.25	0.25
<i>2023/24</i>	3.49	0	3.45
<i>Sub-total</i>	<i>70.53</i>	<i>1.68</i>	<i>72.21</i>
<i>Allocations In Local Plan</i>	<i>57.2</i>	<i>0</i>	<i>57.2</i>
<i>Outstanding sites with Planning Permission as at 31/3/24</i>	<i>23.14</i>	<i>0.32</i>	<i>23.46</i>
<i>Sub-total</i>	<i>150.87</i>	<i>1.68</i>	<i>152.81</i>
<i>Loss of employment land</i>	<i>0</i>	<i>-0.04</i>	<i>0</i>
<i>Additional land at MIRA</i>	<i>18.0</i>	<i>0.00</i>	<i>18.0</i>
Total considering losses + additional land at MIRA	168.87	1.64	170.51

Note: All employment sites are counted in gross site area

5.50 As can be seen in Table 3 above, as at 31st March 2024, 72.21 hectares have been completed with a further 23.46 hectares outstanding and allocations of 57.2 hectares. This is a gross provision of 152.81 hectares. However, if the gross site area of the planning application for Horiba MIRA (Site E4 in the NWLP) is included this increases the overall gross provision to 170.51 hectares.

6 Conclusion

- 6.1 The Borough Council acknowledges there are benefits of providing employment land in the borough and the proposed development would create jobs and benefit the local economy.
- 6.2 Although work has started on the EEDPD I recognise this can be given very little weight. However, the Borough Council has a good track record of providing for employment land as well as progressing Local Plans. The Borough Council has started to look at future employment policies and, if required, allocate additional land for employment uses and lorry parking. It is keen to ensure additional employment sites and other types of development come forward in a plan led way to ensure it is situated to maximise the benefits to its local communities. It has carried out a call for sites as well as consulted on the Draft Employment DPD to progress this work.
- 6.3 LP6 says that significant weight will be given if there is an immediate need, or it is required for a certain type of use. I have considered the evidence prepared by the appellant and do not see they have provided evidence of compliance with LP6 in terms of immediate need nor of the certain of development. Therefore, in terms of LP6 I would only give limited weight to their proposal.
- 6.5 I have considered the evidence prepared by the appellant and considered the evidence by the DfT and National Highways in relation to lorry parking. I do not see that the provision of lorry parking on this site should outweigh the harm to the Strategic Gap and Local Plan policy LP4. I give this moderate weight.
- 6.6 In my opinion the evidence provided by the appellant in terms of LP6 and LP34 does not outweigh the harm to planning policy LP4 and the Strategic Gap. I give full weight to the NWLP.