



Hodgetts Estates

**LAND NORTH EAST OF JUNCTION 10 M42,
NORTH WARWICKSHIRE**

LPA Ref: PAP/2021/0663

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

**Appendices to Planning Proof of Evidence of Doug Hann
BA(Hons), MTPL, MSc, MRTPI**



Hodgetts Estates

LAND NORTH EAST OF JUNCTION 10 M42, NORTH WARWICKSHIRE

PUBLIC

PROJECT NO. 70075293

OUR REF. NO. POE.APP.001

DATE: MAY 2024

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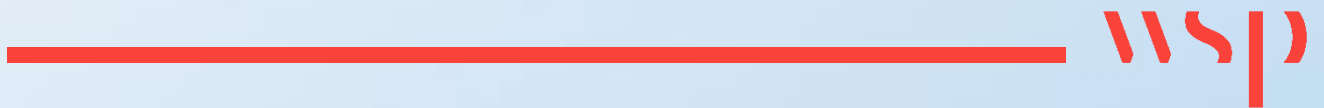
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Appendix 1

CHRONOLOGY AND BACKGROUND TO PROPOSAL



1 CHRONOLOGY AND BACKGROUND TO PROPOSAL

- 1.1.1. I was initially instructed by Hodgetts Estates in 2020 to consider planning matters pertinent to the site and have been involved continuously since, promoting the site through the planning system. However, Hodgetts Estates has been actively promoting the site since 2008 through the then, Strategic Land Availability Assessment.
- 1.1.2. The Appellant has subsequently promote the site and other land under their control through SHLAA update (2013), Core Strategy (August 2009, January 2012, August 2012, December 2012, EiP June 2013 - June 2014 and August 2014) and abandoned Site Allocations Development Plan Document (May 2013 and August 2014).
- 1.1.3. Since my instruction, I have assisted in the promotion of the site through both the (now adopted) North Warwickshire Local Plan (**CD-F1**) and Dordon Neighbourhood Plan (**CD-F9**), both of which went through extensive consultation processes prior to independent examination and ultimately adoption, as summarised below:
- Engagement with the Local Plan examination –
 - Hodgetts Estates has engaged with the NWBC Local Plan since its inception.
 - Representations were submitted on behalf of Hodgetts Estates to all formal consultation exercises carried, with representations submitted on 29 March 2017, 16 March 2018, 7 October 2020 and 14 April 2021.
 - Hodgetts Estates and WSP also participated throughout the Local Plan examination September 2018 - December 2020.
 - Engagement with the Dordon Neighbourhood Plan -
 - Hodgetts Estates has also engaged with the DNP since its inception.
 - Representations were submitted on behalf of Hodgetts Estates to all formal consultation exercises carried out, with representations submitted on 25 November 2021, 28 January 2022, 30 September 2022 and 2 March 2023.
 - A request for factual corrections was also submitted to NWBC on 17 May 2023 during the examination of the Submission Version DNP.
- 1.1.4. As evidenced above, the site has clearly been actively promoted for development since 2008 and through successive local plans. Mindful of the range of studies which identify an acute need for strategic development of the kind promoted in this area, and that this district is significantly constrained by green belt, this site has always struck me as an exceptionally strong candidate for an

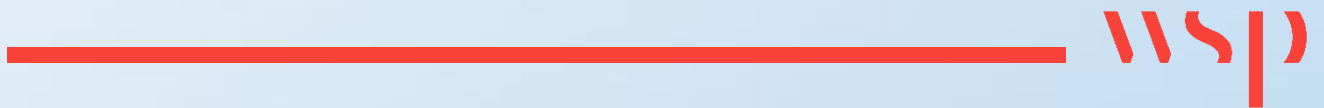


allocation. It is a matter of regret that this proposal has sat in the development management system for a number of years and that it is has now been necessary to appeal.

- 1.1.5. In terms of the promotion of the proposed development subjected to this appeal, the Statement of Community Engagement (**CD-A11**) and Chapter 4 of the Planning Statement (**CD-B5**) describe the extensive consultation activities undertaken prior to submission of the application. This included formal pre-application discussions with NWBC, presentations to NWBC Planning & Development Board members and Dordon Parish Council and a public consultation exercise.
- 1.1.6. Engagement continued throughout the determination period, including regular meetings with NWBC, interim updates to NWBC Councillors through presentations to the Planning & Development Board, meetings with groups of Councillors to discuss the proposals further, the provision of letters and 'FAQs' documents, and monthly meetings with National Highways (NH), Warwickshire County Council (WCC) Highways and Staffordshire County Council (SCC) Highways. The Appellant also engaged with key industry bodies and organisations, garnering numerous letters of support which, as discussed elsewhere in this proof, are considered to hold varying degrees of positive weight in the overall planning balance.
- 1.1.7. In a similar vein to the extensive site promotion, the proposed development itself has therefore been through a prolonged period of promotion, first through pre-application discussions and consultation, followed by a prolonged determination period of 24 months prior to the submission of this appeal, in which time significant engagement with NWBC, statutory consultees and key industry bodies and organisations has taken place.
- 1.1.8. All told, the prospect of bringing forward the appeal site for development is not a new proposal and its longstanding and continued promotion that culminated in the application subjected to this appeal is borne out of the key drivers of: i) the unique locational and sustainability benefits of the site; and ii) the compelling need for certain types of development - all of which is evidenced in great detail elsewhere in my proof and the proofs of others witnesses.

Appendix 2

**LETTER OF SUPPORT - MR WILLIAM
BLINCOE**



William Blincoe – letter of support for development proposals at Land NE J10 M42

Mr D Hann
WSP
8 First Street
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M15 4RP

23rd May 2024

Dear Doug,

**Land NE J10 M42, North Warwickshire (Appeal Reference: APP/R3705/W/24/3336295)
(Application Reference: PAP/2021/0663)**

I write to provide this letter of support for the development proposals at Land North-East of Junction 10 of the M42 Motorway, North Warwickshire (herein referred to as 'Land NE J10 M42' or simply 'the site') which is currently subject to appeal (Appeal Ref. APP/R3705/W/24/3336295).

I have been following progress of the development proposals closely since I was first made aware of them in early 2022, following submission of the planning application in December 2021 (App. Ref. PAP/2021/0663).

Relevant Experience

I am a chartered Town Planner and currently practise as a Planning and Development Consultant across the East and West Midlands. I also have clients in London, South Wales and Northern Ireland.

Drawing on my accumulated experience and expertise I specialise in housing and employment land promotion and business support work. From 2021 to the present day, I have practised as a self-employed consultant based in South Warwickshire.

To date in 2024, my workload has been heavily based in the Coventry and Warwickshire sub-region. This is a result of recent development plan activity across the local authorities in that area. The main activities have been focussed on land search and identification (both for housing and commercial property uses), planning applications and site promotion and assisting with business expansion requirements, relocation and inward investment enquiries. Much, but not all, of this recent work is focussed on employment and commercial property.

I am a member of the Employment Land Panel of the Coventry and Warwickshire Chamber of Commerce and within that, the Planning Sub-Group which leads on engagement with the development process. The Panel has been active in relation to making submissions to the current round of development plans in the Coventry and Warwickshire sub-region. The submissions have generally focussed on the shortfall of employment land supply across the sub-region and setting out a case for additional employment land in each plan review area.

From 2015 – 2021, I worked as a full-time employee of the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) and its subsidiary business support services arm the Coventry and Warwickshire Growth Hub (CWGH). This was a wide-ranging role focussed around providing specialist town planning services and advisory development support for local businesses across a broad spectrum of types and sizes. I also worked closely with the investment arms of the local authorities across the sub-region and the wider West Midlands, supporting activities to facilitate the growth of existing businesses and seeking to attract inward investment from both the UK and international business.

My role at the CWLEP/CWGH also involved regular interaction with senior officers and elected members of all local authorities both within the LEP area and with the surrounding LEP's. I represented the CWLEP on several working groups and sub committees of the West Midlands Combined Authority (WMCA).

Throughout my employment with the CWLEP, I was closely involved with employment land research and several major studies relating to the sub-regional (Coventry and Warwickshire) employment land requirements. This included the Coventry and Warwickshire Employment Land Use Study 2015 (CBRE) (**CD- I30**) through to the Coventry and Warwickshire Sub Regional Market Signals Study 2019 (**CD- I5**) where I was the commissioning lead officer. In 2016 I made specialist contributions to the relevant parts of the review of the Coventry and Warwickshire Strategic Economic Plan (CWSEP) (**CD I68**) relating to the need for additional employment land provision. The CWSEP warned that the scarcity of available employment land in the short term “*has the potential to damage economic prospects of the area by preventing investment opportunities to be fully secured*” (para 2.4.1).

For most of my career I have worked in the private sector at the interface of development and land use planning activities across many parts of England, Wales and Scotland. My experience and expertise is largely based on working for over 36 years for a number of national property and housebuilding companies, including Crest Nicholson, Gallagher Estates, Fairview Homes and Bloor Homes. I achieved operational board level posts in all these companies and performed a range of professional and managerial roles. I began my career in local authority planning. From there I was appointed National Land and Planning Officer for the Housebuilders Federation, the trade body of the housebuilding industry.

Market and policy context

Given my extensive experience in the Coventry and Warwickshire sub-region and the private sector, I am well placed to provide comment on the overall market and policy context within which we find ourselves.

North Warwickshire, as with many other areas in the C&W sub-region, has suffered from a longstanding failure in plan-making to address the strategic employment needs of the sub-region. Within North Warwickshire, the development market (i.e., land promoters and commercial property developers) have consistently delivered and promoted strategic scale employment development ahead of the development plan process over the course of the last ten plus years. To substantiate this point, I refer you to the chronology of relevant planning policy documents and employment schemes I have appended to this letter.

An immediate need for strategic employment land in North Warwickshire has been evidenced over a number of years through regional and sub-regional publications, including WMSESS Phase 1 (2015) (**CD-I1**), WMSESS Phase 2 (2021) (**CD-I2**), C&W HEDNA (November 2022) (**CD-I4**) and C&W Employment Land Report, C&W Chamber of Commerce (May 2023) (**CD-I34**), as summarised below:

- **WMSESS Phase 1 Study (2015) –**
 - o The Study is explicitly referred to in Policy LP6 – the policy required by the Inspector to be included in the Local Plan (**CD-F1**) as a main modification (MM40) in order for it to be found sound.
 - o The Study identifies that “*the demand for large-scale industrial space in the West Midlands is most intense along an ‘M42 belt’*” (para 4.71) – this is referred to as “Area A” in both the Study and Policy LP6.
- **WMSESS Phase 2 Study (2021) –**
 - o The successor study to WMSESS 2015 and is also referred to in Policy LP6 by virtue of LP6 referring to “WMSESS 2015 (or successor study)”.
 - o It identifies the M42 corridor as one of the ‘*prime market facing locations for Strategic Employment Sites*’ (para 7.32) that the 2021 Study recommends as being ‘*the focus for identifying strategic employment sites*’.
 - o Furthermore, the 2021 Study identifies that Strategic Employment Sites ‘*are best delivered in locations that are accessible to the strategic highway network, with sites located close to the motorway junctions being prioritised by developers and occupiers*’ (para 7.28). In such locations, the Study identifies ‘substantial’ amounts of land that could support employment development.
- **C&W HEDNA (2022) –**

- Identifies the M42 and A5 as ‘*key potential corridors within the sub-region which could accommodate strategic B8 development*’ (para 11.24).
 - Identifies that demand for B8 is ‘*very strong*’ (para 15.19) and a strategic B8 employment land requirement from 2021-2041 of 551ha (Table 15.2) and from 2021-2050 of 735ha (Table 15.3) across the sub-region.
- **C&W Employment Land Report (2023) –**
- Identifies the benefits of the sub-region’s location within the ‘Golden Triangle’ and the proximity to the M6, M1, **M42 and A5** as being particularly attractive to the warehouse and distribution sector.
 - Identifies that ‘*Coventry and Warwickshire is sorely lacking sufficient serviced land, both qualitatively and quantitatively, to encourage inward investment into the sub-region.*’
 - One of seven recommendations of the report is for local planning authorities to ‘*Develop a more disaggregated approach to the allocation of employment sites*’, which in the case of B8 uses means ‘*the identification of both rail served and non-rail served sites*’.

Much of this intense and substantial need for industrial and logistics land within the M42 corridor manifests itself within the North Warwickshire Borough Council (NWBC) administrative area.

Against this backdrop, there is evidence of a number of emerging local plans within the Coventry and Warwickshire sub-region which are not seeking to address this need in a positive manner. Indeed in the current round of development plan reviews there is clear evidence of a disconnect between the requirements of LPAs to commission evidence to establish their employment needs (such as the C&W HEDNA) and to then disregard that evidence in the plan-making process, as summarised below:

- **Nuneaton & Bedworth Borough Council (NBBC) Borough Plan Review**
- The Borough Plan Review and supporting evidence base were submitted to the Secretary of State for examination on 12th February 2024.
 - Prior to this, NBBC consulted on its Publication Draft (September-October 2023).
 - The emerging plan proposes a low level of overall employment growth and no new major employment allocations. This means that, based on current completion and take up rates of land and premises the majority of the current land supply will be taken up well before the end of the designated plan period to 2039.
 - NBBC’s approach to calculating employment land supply relies largely on existing commitments, concluding that the Borough has a significant surplus of employment supply when set alongside the assessment of likely future requirements in the HEDNA.
 - The approach taken will simply lead to a range of negative impacts on local business and frustrate opportunities to attract new investors to the Borough and will do nothing to address the significant sub-regional B8 need that the HEDNA so clearly evidences.
 - The draft Plan’s approach will lead to a more limited range of employment premises, will reduce market choice and market activity in all business sectors, fail to address exiting gaps and deficiencies in employment land provision and ultimately lead to a diversion of inward investment to other areas to the detriment of the C&W sub-region.
- **Coventry City Council (CCC) Local Plan Review**
- CCC consulted on its Local Plan Review – Issues and Options (July-September 2023) as part of the first stage of its Local Plan Review.
 - The employment land need for general industrial use (excluding strategic B8) for Coventry is 147.6ha.
 - However, the Issues and Options document (Chapter 4), based on CCC’s own methodology which calculates its own employment needs up to 2041, shows a figure showing a surplus of supply over demand. The result is that no additional allocations are proposed up to 2041. The Issues and Options document also makes no allowance for its proportion of the sub-regional strategic B8 need.
 - This is either a clear misrepresentation or misunderstanding of the HEDNA’s key findings, which dismissed utilising employment need projections based on a ‘labour demand methodology’.
 - The approach taken by CCC flies in the face of evidence from several sources and, as with the approach taken by NBBC, will do absolutely nothing to contribute to and address the significant sub-regional strategic B8 need that the HEDNA so clearly evidences.

- **Rugby Borough Council (RBC) Local Plan Review**

- o RBC consulted on its Local Plan Review - Issues and Options in late 2023/early 2024 as part of the first stage of its Local Plan Review.
- o The consultation document rightly acknowledges the findings of the HEDNA, including the local employment need requirements and the strategic need for the sub-region established within the HEDNA. However, RBC conclude that between the plan period 2021-2041 there is a surplus of employment land to meet local needs and therefore '*no additional supply needed*' (table at paragraph 3.37). The table established a 40.29ha required supply '*still needing to be found*' up to 2050. Strategic employment need is excluded from the calculations. This approach will mean that no employment land for industrial or warehousing use would be delivered in the Borough until at least 2041.
- o Were the new Local Plan to come forward on this basis, like with NBBC and CCC's emerging new plans, it too would do nothing to address the strategic employment need requirements for the C&W sub-region leading to a further exacerbation of the negative economic issues identified above.

In light of the range of planning issues identified in the sub-region, the importance of delivering sites within North Warwickshire, where the Local Plan provides for such via Policy LP6, is in my view therefore elevated in terms of delivering against the overall need for the sub-region identified within the HEDNA. Local Plan Policy LP6 must therefore be fully engaged, subject to the three criteria therein being met.

Furthermore, guidance on the selection of suitable sites to meet the identified strategic need has been available to NWBC since publication of the C&W HEDNA in November 2022. Paragraph 11.22 of the HEDNA sets out the key locational considerations for strategic B8 developments, as follows:

- Road accessibility;
- Power supply;
- Proximity to Rail Terminals;
- Labour availability;
- Neighbouring activities.

As such, there is a clear evidence and longstanding strategic employment need within the sub-region, in particular in the North Warwickshire area, that the planning system has failed to address for over 10 plus years. The WMSESS 2015 and 2021 studies have identified areas where this need is the most acute and the more recent HEDNA provides guidance on selecting suitable sites to meet this need. Despite this, the fact that Policy LP6 is engaged and in my view has an elevated importance in policy, no such development has been approved by North Warwickshire outside of the Local Plan allocations (which in themselves do nothing to address this strategic need and address only local needs) since the plan was adopted in September 2021.

Land North-East of Junction 10 M42

Within the overall market and policy context above and the evident paucity of employment land supply and available sites, I am therefore fully supportive of the appeal proposal.

The site is uniquely placed to contribute towards the identified need for B8 land in the sub-region given its strategic location, which includes direct access to the Strategic Road Network, its close proximity to the Strategic Rail Freight Interchanges (SRFI) at Birch Coppice Business Park and Hams Hall and the fact it would build upon on a key existing cluster of employment development, as well as being outside the West Midlands Green Belt.

A development of the scale proposed would also provide a desperately needed boost to the strategic employment land supply in the sub-region in an area identified in WMSESS 2015 (Area A), WMSESS 2021 (Area 2) and the HEDNA (A5/M42 corridors) to help address the significant shortfall and pent-up demand. In addition, it would do so in a highly sustainable location that is aligned with Policy LP6.

Approval of the proposals before the Inspector would clearly be to the significant benefit of both the local and regional economies, through significant job creation in a highly sustainable location, and

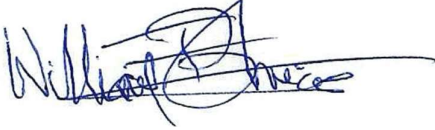
investment into the sub-region. Furthermore, the provision of a substantial quantum of floorspace targeted at small to medium sized enterprises would directly respond to a key finding of the Coventry and Warwickshire Sub-Regional Employment Market Signals Study (2019) (**CD- I5**). I was the lead officer responsible for the commissioning this study by the LEP and other local authorities during my time there.

Conclusion

Considering the points set out above, it is my long held and firm professional opinion that the proposals should be approved without further delay.

I trust the content of this letter is given due consideration in the determination of the appeal.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'William Blincoe', with a long horizontal flourish extending to the right.

William Blincoe

Appendix 1 - Timeline of relevant planning policy documents and employment schemes in North Warwickshire Borough

- NWBC Core Strategy
 - Issues and Options consultation, June – August 2009
 - Draft consultation, December – January 2012
 - Draft Pre-Submission consultation, May – August 2012
 - Core Strategy examination, June 2013 – June 2014
 - During examination, a main modification was required by the Inspector committing NWBC to an “*early review*” should new evidence point to the need for “*large warehouse and distribution sites*” (refer to Issue 5 at page 10 of the Core Strategy Inspector’s Report).
 - The Core Strategy only sought to address LPAs ‘local need’ therefore not addressing against ‘strategic need’.
 - Adopted October 2014.
- NWBC Site Allocations DPD
 - Preferred Options (including Issues & Options) consultation, February – May 2013.
 - Draft Pre-Submission consultation, July – August 2014.
 - The Site Allocations DPD accorded with the Core Strategy, therefore only seeking to address LPAs ‘local need’ and not contribute against ‘strategic need’.
 - Plan not submitted for examination and later abandoned in favour of preparing what would become North Warwickshire Local Plan 2021.
- NWBC Local Plan
 - Draft Consultation, March 2017
 - Draft Submission Consultation, November 2017
 - Local Plan Submission, March 2018
 - Local Plan examination, September 2018 – December 2020
 - Inspectors Report issued July 2021 – requiring main modification introducing LP6 Additional Employment Land.
 - Adopted September 2021.
- Birch Coppice Business Park Phase 3
 - App. ref. [PAP/2012/0347](#) – submitted July 2012, approved July 2013.
 - Site identified as ‘preferred option’ in Preferred Options Site Allocations DPD (February 2013).
 - Application submitted ahead of site being identified as preferred option in Site Allocations DPD, which was ultimately never adopted.
- Core 42 Business Park
 - App. ref. [PAP/2013/0269](#) – submitted June 2013, approved at October 2013 Planning & Development Board and decision issued April 2014.
 - Site identified as ‘preferred option’ in Preferred Options Site Allocations DPD (February 2013).
 - Application approved ahead of Draft Pre-Submission Consultation, June 2014.
- Daw Mill
 - Application for regeneration and redevelopment of former Daw Mill Coal Mine, within the Green Belt.
 - App. ref. [PAP/2014/0339](#) – submitted June 2014, refused November 2015.
 - Appeal ref. APP/R3705/W/16/3149827 – appeal made May 2016, appeal dismissed March 2018.
 - Unallocated site outwith the development plan process addressing a ‘strategic need’.
- Tamworth Logistics Park
 - App. ref. [PAP/2014/0648](#) – submitted December 2014, approved via appeal November 2016.
 - Unallocated site out with the development plan process addressing a ‘strategic need’.

Appendix 3

LETTER OF SUPPORT - MARITIME





Attn: James Warrington
WSP
8 First Street
Manchester
M15 4RP

Maritime Transport Limited

Maritime House
Clickett Hill Road
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Suffolk IP11 4AX

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9th May 2024

Dear James

Re. Land NE J10 M42 – Additional Information on operations of Strategic Rail Freight Interchanges

Further to our letter in support of your client's proposed scheme on land NE J10 M42 dated 29th September 2022 this letter provides additional information regarding a number of operations at our Midlands Strategic Rail Freight Interchanges (SRFI) including at Birmingham Intermodal Freight Terminal (BIFT), Hams Hall, East Midlands Gateway, Daventry, and when operational, West Midlands Interchange.

HGV Tractor Unit Battery Trial

We have recently agreed to undertake a 5 year Government backed trial for the adoption of electric battery powered HGV tractor units from our SRFI beginning in 2026. This will include up to 50 electric HGV tractor units, of which up to 20 electric units will be operating out of BIFT. Details of the performance of this trial will be provided to the UK Government to inform their HGV electrification strategy. Subject to this trial being successful, we will look to increase electric HGV provision at BIFT and across our wider portfolio of sites in the UK. The adoption of new technology such as electrified HGVs aligns with our customer bases' increasing focus on decarbonisation of their supply chains.

Occupiers' increasing focus on proximity to SRFI

Our experience is that being located in close proximity to rail freight terminals has historically been very important for certain customers and less so for others. However, more recently (in the last 3-5 years), across our customer base there has been an intense focus on decarbonisation, resulting in a significant increase in their need to be located in close proximity to a SRFI, and the closer the better.

In terms of current occupiers specifically at J10 M42, we note Beko, Euro Car Parts, Mobis, and Volkswagen at Birch Coppice, and Maersk and Bond International at Core 42 all utilise the SRFI at Birch Coppice or Hams Hall. Currently, we are seeing proximity to SRFI such as BIFT and Hams Hall as being a key factor in determining the specific locational requirements of our customer base. As such in our opinion, your client's proposals, which are located close to our BIFT and Hams Hall SRFI, are expected to receive significant interest from our across our customer base.

The operation of yard tractors as 'works trucks' as classified under the Road Vehicles (Construction and Use) Regulations.

We understand the proposed development's new access onto the A5 will be approximately 500-600 metres from the main Birch Coppice access onto the A5.

Subject to meeting all of the necessary prerequisites, including being licensed by the DVLA, payment of Vehicle Exercise Duty, and completion of a risk assessment, as operator of BIFT we would look to utilise 'works trucks' to serve potential new customers on the scheme.

Works trucks are defined by the Road Vehicles (Construction and Use) Regulations as follows:

“a motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.”

We currently use work trucks successfully for customers in close proximity or “the immediate neighbourhood” of our Daventry International Rail Freight Terminal, where the interconnecting roads are public highways. The operation of works trucks in this manner helps significantly in improving the operational efficiency of a SRFI.

I trust this provides clarity on the rail served location of your proposals.

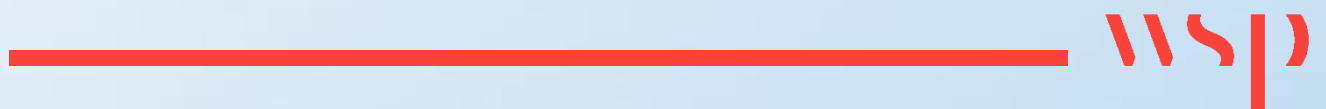
With kind regards

A handwritten signature in black ink, appearing to read 'S. Smart', with a large, sweeping flourish at the end.

Simon Smart
Chief Executive Office

Appendix 4

CHRONOLOGY OF STRATEGIC GAP POLICY



4 CHRONOLOGY OF STRATEGIC GAP POLICY

4.1.1. I set out below a chronology of planning policy documents and evidence base documents, which are relevant to my assessment of Strategic Gap matters in the context of North Warwickshire Local Plan Policy LP4, which I address in Chapter 10 of my proof. A table is also provided at the back of this appendix which summarises this chronology.

Polesworth and Dordon Local Plan Brief, 1984

4.1.2. Polesworth and Dordon have been closely related for many years. The close relationship between the two settlements in planning terms was first recognised by the Polesworth and Dordon Local Plan Brief (“P&DLPB”) in 1984.

No policy designation.

Polesworth and Dordon Local Plan, 1989

4.1.3. The subsequent P&DLP linked the two settlements with a continuous development boundary and noted in paragraph 4.19 that “*the built up area of Dordon is an indistinguishable continuation of Polesworth southwards*”. The P&DLP included a policy identifying an “area of restraint” (“AoR”) on land between Tamworth and Polesworth with Dordon (“P&D”).

Policy designation introduced: ‘Area of Restraint’.

Warwickshire Structure Plan, 1996

4.1.4. The Warwickshire Structure Plan 1996 – 2011 (“WASP”) recognised P&D as one of the nine main towns within Warwickshire along with Atherstone.

North Warwickshire Local Plan, 1995

4.1.5. In 1995, the first iteration of the district wide local plan, the North Warwickshire Local Plan 1995 (“LP95”), was adopted. In LP95, the Local Planning Authority (“LPA”) rolled forward the AoR from 1989.

Policy designation retained: ‘Area of Restraint’.

North Warwickshire Local Plan, 2006

4.1.6. In preparing the North Warwickshire Local Plan, 2006 (“LP06”), the LPA attempted to carry forward the AoR designation from LP95. However, for various reasons including paragraph 25 of Planning Policy Statement 7 (“PPS7”), which says local landscape designations should only be maintained where criteria-based planning policies cannot provide the necessary protection, the proposed designation was deleted from the adopted plan as being unjustified.



- 4.1.7. With specific regard to land immediately west of Dordon, the Inspector for the Examination into LP06 made the following comments:

“That is not to say that landscaping here [land to the west of Dordon] would not be beneficial because plainly it would be...in the interests of improving the quality of the view between Tamworth and this part of Dordon and adding to nature conservation interests in the area. Once fully established, it may also create a physical and visual barrier to further outward expansion of the settlement.”

- 4.1.8. Furthermore, in appraising the various sites put forward for housing development in P&D as part of LP06, the Inspector concluded that land west of Dordon adjacent to the A5 was “*the next best option*” behind the former Orchard Colliery, east of Dordon.

No policy designation (only by virtue of Inspector’s intervention).

North Warwickshire Core Strategy, 2014

- 4.1.9. In 2012, the LPA again tried to promote a protective landscape designation between Tamworth and P&D in the emerging CS. The first iteration of what became Policy NW19 included a policy preclusion against anything other than small scale development within the “Meaningful Gap”. The associated key diagram illustrated that the gap would cover land between Tamworth and P&D.

- 4.1.10. The proposed designation was robustly rejected by the CS Inspector as having been insufficiently evidenced and the notation on the key diagram and the policy preclusion were recommended to be removed as main modifications which would otherwise render the CS “unsound”.

- 4.1.11. Following the above, the iteration of Policy NW19 (Polesworth & Dordon) that was included in the adopted CS stated that “*Any development to the west of Polesworth & Dordon must respect the separate identifies of Polesworth and Dordon and Tamworth and maintain a meaningful gap between them*”. A policy designation was included therefore, albeit without reference to a geographical area or a policy map.

Policy designation included: Policy NW19.

Meaningful Gap Assessment, 2016

- 4.1.12. The Meaningful Gap Assessment (“MGA”) was produced in house by NWBC to determine where the detailed boundaries of the MG should be drawn. The MGA was published for consultation in January-March 2015 before being amended and the Final Meaningful Gap Report being published in August 2015. The MGA made recommendations for much of the land between Tamworth and P&D to be included as part of the Meaningful Gap (“MG”).



St Modwen Inquiry, September 2016

- 4.1.13. At an Inquiry into the refusal of planning permission for Tamworth Logistics Park on land to south east of junction 10 of the M42 (NWBC ref: PAP/2014/0648 and PINS ref: APP/R3705/W/15/3136495) in September 2016, it was put forward by the LPA that draft policy LP5 was elevated to “policy” status on the basis that it had been consulted upon.
- 4.1.14. However, prior to the Inquiry, it was accepted in a pre-action protocol letter that the MGA does not elevate LPL5 to “policy” status and it was formally conceded by the LPA that the MGA was merely evidence to inform the emerging LP.
- 4.1.15. In the ‘Critical Appraisal of Meaningful Gap Evidence Base; (CD-G24), Nicholas Peason Associates (NPA) critiqued the ‘Meaningful Gap Assessment, prepared by NWBC’ (August 2015) (CD-G2) and ‘Assessment of the Meaningful Gap and Potential Green Belt Alterations (AMGPGBA), prepared by LUC’ (January 2018) (CD-G3).
- 4.1.16. NPA concluded that the MGA was fundamentally flawed and does not provide a suitable or robust reference document to inform related policy decisions.

Assessment of the Meaningful Gap and Potential Green Belt Alterations, 2018

- 4.1.17. The ‘Assessment of the Meaningful Gap and Potential Green Belt Alterations’ (“AMGPGBA”) was prepared by LUC and published in January 2018. The purpose of the study was to determine whether each parcel/area within the proposed MG fulfils the objectives of the MG designation, and whether they have the potential to serve the purposes of Green Belt, as defined in the National Planning Policy Framework.
- 4.1.18. The AMGPGBA concluded that the proposed Meaningful Gap land did not meet the necessary criteria for designating new Green Belt land and thus the retention of the Meaningful Gap designation (but renamed as ‘Strategic Gap’) was recommended.
- 4.1.19. The AMGPGBA was critiqued by NPA in the submitted ‘Critical Appraisal of Meaningful Gap Assessment, prepared by NWBC’ (August 2015) and ‘Assessment of the Meaningful Gap and Potential Green Belt Alterations (AMGPGBA), prepared by LUC’ (January 2018).
- 4.1.20. NPA concluded that the AMGPGBA was fundamentally flawed and does not provide a suitable or robust reference document to inform related policy decisions.

North Warwickshire Local Plan, 2021 (current adopted LP)

- 4.1.21. Early iterations of the North Warwickshire Local Plan 2021 (NWL21) once again introduced a preclusive policy (draft Policy LP5 at the time) which presumed against all but small scale development within a geographically designated area between the settlements of Tamworth, Polesworth and Dordon.



- 4.1.22. It was the third time in just over a decade that the LPA attempted to promote such a policy designation.
- 4.1.23. On the previous two occasions the Inspectors were unconvinced by the need for such a designation and were twice rejected as being evidentially unjustified.
- 4.1.24. The Inspector, in his report, noted the “*lengthy and contested history*” of the concept of a “Strategic Gap” (paragraph 228) and the critiques of such a concept by the Inspectors of the previous two development plans. Ultimately, the Inspector found that the Policy LP5, as submitted, unjustifiably specified that “*all new development within this gap should be small in scale and not intrude visually into the gap or physically reduce the size of the gap*” and, as drafted, the policy was arguably “*more stringent than national Green Belt policy*”. Accordingly, such reference was removed as main modifications (ref: MM31 and MM32).
- 4.1.25. The revised policy wording became what is now Local Plan Policy LP4 (Strategic Gap) which I assess in detail in Chapter 10 of my proof.

Policy designation included: Policy LP4.



Year	West Midlands Green Belt	Green Gap / Meaningful Gap / Strategic Gap Policy
1975	West Midlands Green Belt approved.	Pre-1989 Plans - No policy in place.
1976		
1977		
1978		
1979		
1980		
1981		
1982		
1983		
1984		
1985		
1986		
1987		
1988		
1989	Continuation of same policy position	Polesworth and Dordon Local Plan 1989 - "Area of Restraint" Policy on land between Tamworth and Polesworth with Dordon.
1990		
1991		
1992		
1993		
1994		
1995		
1996		
1997		
1998		
1999		
2000		
2001		
2002		
2003		
2004		
2005		
2006		North Warwickshire Local Plan 1995 - "Area of Restraint" Policy retained.
2007		North Warwickshire Local Plan 2006 - No policy in place.
2008		



2009		Area of Restraint Policy was initially proposed but deleted from adopted plan as being unjustified.
2010		
2011		
2012		
2013		
2014		North Warwickshire Core Strategy 2014 - Policy NW19 (Polesworth & Dordon)
2015		
2016		
2017		
2018		
2019		
2020		
2021		NWBC Local Plan 2021 - Policy LP4 (Strategic Gap)
2022		
2023		
2024		
2024		

Key		Continuation of same Green Belt policy position.
		Local planning policy in place.
		No policy in place.

Appendix 5

EIA CONSULTANT LETTERS



Appendix 5.1

**LETTER OF MR S BENNETT, WSP
(AIR QUALITY)**





Planning Inspectorate

Our Ref: UK-70075293-AIR

12 April 2024

CONFIDENTIAL

To Whom it may concern,

Appeal Ref: APP/R3705/W/23/3336295 - Land North East of Junction 10 M42, North Warwickshire

My name is Stuart Bennett and I am an Technical Director of Air Quality within WSP's Planning and Advisory business unit. I am a Chartered Environmentalist and a Full Member of the Institution of Environmental Sciences and the Institute of Air Quality Management ("IAQM").

My experience relating to air quality spans more than 22 years. I have worked on all stages of the environmental assessment of planning applications, from options identification and selection, concept and detailed design, and construction management planning.

To date, the technical assessment work undertaken in relation to the planning application at the above site (ref: PAP/2021/0663 - subject to an appeal) comprises an Environmental Statement for Air Quality. The work was carried out to professional standards and in accordance with Environmental Protection UK and Institute of Air Quality Management guidance, as approved by the Local Planning Authority (LPA). This assessment confirmed that, during both construction and operation, the Proposed Development is not expected to cause any exceedances of the UK National Air Quality Objectives and will comply with local and national policy and legislation. An ES Addendum (2024) utilising updated traffic data provided by Tetra Tech upheld these conclusions.

I maintain my position in respect of air quality matters and the conclusions reached in the technical assessment work forming part of the EIA submitted with planning application ref: PAP/2021/0663.

Yours sincerely,

Stuart Bennett

Stuart Bennett MIAQM, CEnv

Technical Director - Air Quality, Environment

Appendix 5.2

**LETTER OF MR R BROWN, WSP
(ACOUSTICS)**





Planning Inspectorate

Our Ref: Land NE J10 M42

25 April 2024

Dear Sir/Madam,

Appeal Ref: APP/R3705/W/23/3336295 - Land North East of Junction 10 M42, North Warwickshire

My name is Robin Brown, I am an Associate in the WSP UK Acoustics Team. I have a BSc in Audio Technology from Salford University (2004). I have over 19 years' experience in the acoustics sector. I am a full Member of the Institute of Acoustics. I have managed the acoustic input for numerous public and private sector developments, including road, residential, education, commercial and industrial projects.

To date, the technical assessment work undertaken, for acoustics, in relation to the planning application at the above site (ref: PAP/2021/0663 - subject to an appeal) comprises the Noise chapter of the Environmental Statement (ES) and ES Addendum.

The ES (2021) Noise chapter included assessment of construction noise, construction vibration, operational site noise and development generated operational road traffic noise. The Noise chapter was supported by technical appendices and figures. The worst-case noise and vibration impacts were minor adverse during the construction phase, and negligible adverse during the operational phase. All noise and vibration impacts are not significant.

The ES Addendum (2024) included an assessment of revised traffic data. The findings of this assessment were that the worst-case development generated road traffic noise impacts are negligible adverse. The effect remains not significant. There is no adverse change as a result of changes to development parameters.

Having reviewed the local planning authorities Statement of Case and matters raised by interested parties in the appeal (including the joint Rule 6 Party), I maintain my position in respect of noise and vibration matters and the conclusions reached in the technical assessment work forming part of the EIA submitted with planning application ref: PAP/2021/0663.

Yours sincerely

Robin Brown
Associate – Acoustics

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Appendix 5.3

**LETTER OF DR C LEE, ASPECT
ECOLOGY (NATURE CONSERVATION
AND BIODIVERSITY)**



Our ref: 1005971 004b let PINS

20 May 2024

Aspect Ecology Ltd
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Hardwick Business Park
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Oxfordshire
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E: info@aspect-ecology.com
W: www.aspect-ecology.com

Dear sirs,

Appeal Ref: APP/R3705/W/23/3336295 - Land North East of Junction 10 M42, North Warwickshire

I am pleased to write in regard to ecological considerations relating to the above site (the Appeal Site), further to the appeal lodged by Hodgetts Estates against North Warwickshire Borough Council's non-determination of the outline planning application for the Appeal Site (ref: PAP/2021/0663).

Qualifications and experience

I hold a Bachelor of Science Honours degree in Biology awarded by The University of Nottingham and a degree of Doctor of Philosophy (PhD) in ecology awarded by the University of Bristol.

I am Associate Director at Aspect Ecology, a practice that provides ecological planning and design advice to the public and private sectors. I have over 18 years of professional experience in ecological consultancy and am a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

I have extensive experience in carrying out ecological surveys and assessments in relation to a wide range of development schemes across the UK, including across the residential, industrial, retail, education, commercial, leisure and renewable energy sectors.

I regularly carry out assessments for protected species and I am experienced at surveying for a wide range of species including flora, birds, mammals and other wildlife. I hold, and have held, scientific and development licences in respect of a variety of protected species, including bats, Badger, Dormouse and Great Crested Newt.

In particular, I am experienced in carrying out Ecological Impact Assessments (EclAs) in relation to developments, and am very familiar with assessment of Biodiversity Net Gain/Biodiversity Impact Assessments (BIA) including the use of the relevant metric tools, along with surveys and consideration in regard to a wide range of Priority and non-priority habitat types (e.g. grasslands, heathlands, woodlands, hedgerows and trees), and protected and notable faunal species, including a range of birds, mammals and invertebrates.

Ecological survey and Assessment work undertaken in regard to the Appeal Site

Aspect Ecology Ltd was originally commissioned by Hodgetts Estates in 2020 to undertake ecological survey work at the Appeal Site to inform the proposed development and associated planning application.

Accordingly, the Appeal Site was subject to a range of ecological survey and assessment work (managed by myself) undertaken during 2020 and 2021 in order to inform the proposed development of the Appeal Site, the results of which are set out within Aspect Ecology's previous reports that informed the Environmental Statement prepared in relation to the proposals (including Chapter 11: Nature Conservation and Biodiversity) and submitted to inform the application, along with the associated technical Appendices (11.1-11.3) in the

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Associates: Andy Holyoak BA(Hons) MA(Oxon) MCIEEM, Mark Doughty BA MA (Oxon) MSc MCIEEM

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form of the Ecological Baseline Report (Aspect Ecology ref: 5971 EBR vf, dated December 2020); Biodiversity Impact Assessment (Aspect Ecology ref: 1005971 BIA vf4, dated November 2021); and Wintering Bird Survey Report (Aspect Ecology ref: 5971 WBS vf, dated March 2021). In addition, following further discussions with Warwickshire County Council's ecology unit, revised BIA information (including within the WCC BIA calculator), was provided, dated 31/10/2022. As set out within the submitted information, the work undertaken was undertaken in line with standard guidance, with pre-application advice obtained from Warwickshire County Council's ecology unit in order to inform the scope of ecological work undertaken, along with further discussions with WCC officers during the application period.

In addition, given the time that has elapsed since the previous survey work, in order to update the previous survey work and confirm the current position with regard to the habitats present and continued potential for and/or likely absence of protected, rare or notable species, further update ecological survey work has been undertaken of the wider survey area, (composed of the proposed development Appeal Site itself, along with additional land under the same ownership) during March 2024, the results of which are set out at Aspect Ecology's report (ref: 5971 TN04 USR vf, dated March 2024).

Summary of Ecological Position

As set out within the submitted information, no statutory ecological designations are located within the Appeal Site or surrounding vicinity, such that no significant adverse effects are anticipated on any such designations. The habitats present within the are dominated by intensive arable land, which is not considered to be of raised ecological importance. Where habitats of raised ecological value are present, these are limited to the extreme Appeal Site boundaries in the form of hedgerows and trees, the vast majority of which will remain unaffected and indeed will be incorporated into substantial new and enhanced habitat corridors. Similarly, the survey work has identified that the Appeal Site offers no more than limited opportunities for protected, or other faunal species, and was not recorded to be of any raised importance in relation to any such species.

The proposed measures and landscaping (including offsite provision within the wider landholding identified as part of the Appeal Proposals) will provide enhanced opportunities for a range of faunal species, whilst mitigation measures are identified within the submitted information in order to safeguard and faunal use, in particular with regard to bats, Badger and bird species.

Indeed the Biodiversity Impact Assessment (BIA) undertaken using WCC's standard metric calculator in relation to the Appeal Proposals (and confirmed by WCC's Senior Ecologist) demonstrates that significant net gains can be achieved under the Appeal Scheme (including 16.99 habitat units representing a gain of 26.5%, along with 19.83 hedgerow units representing a gain of 298%).

Additionally, although not specifically identified within the formal ES Chapter in relation to Nature Conservation and Biodiversity, I am aware of a number of Design Parameters contained within the submitted Design Guide (Ref: 4263-CA-00-XX-RP-A-06004 Rev PL6) (CD-B35), which will provide ecological benefits (implementation of which is anticipated to be secured by suitably worded planning condition), in particular these measures include:

- Approximately 10,000 trees (all native woodland species) to be planted in on and offsite locations, including a mixture of tree ages (i.e., advance structure planting) and substantial new woodland to enhance the immediate effects of biodiversity support;
- Provision of Bird and bat boxes to provide additional nesting and roosting opportunities;
- Provision of 'Insect hotels' to provide refuge in suitable locations throughout natural open space;
- Provision of Butterfly banks, providing breeding opportunities and enhanced connectivity between habitats for a range of butterfly and moth species and other invertebrates;



- Provision of Buried logs 'loggers' and log piles, i.e. from dead and decaying wood which form an important habitat for several species of reptiles, beetle and invertebrates;
- Provision of wildlife information boards tying in with the proposed new footpaths, cycleways and seating areas, to provide education / learning opportunities on notable habitats, species and features
- Provision of refugia/hibernacula for invertebrates, small mammals, reptiles, and amphibians;
- Flower rich grassland mixtures will be used within all grassland habitats and woodland fringes in order to maximise species diversity throughout the site.

Review of the Available Appeal Documentation

Following a review of the Council's Statement of case, I note that The Council has identified three reasons under which it would have refused planning permission had it been the determining authority. None of the stated reasons for refusal relate to ecology, and no conflict is identified with any of the national or local planning policies relating to ecological matters.

The Statement of Case prepared by the Joint Rule 6 Party sets out that the Appeal Proposals "*will impact strongly on...the biodiversity of the area...*", whilst noting that the residents of Birchmoor "*have concerns regarding...effects on wildlife in the area*". However, no specific effects appear to be raised, whilst no significant adverse effects have been identified based on the extensive survey and assessment work undertaken and reported in relation to the Appeal Proposals.

Indeed, the consultation response received from Warwickshire County Council's senior ecologist in relation to the application (dated 30 November 2022), confirms that the stated biodiversity net gain would be achievable under the proposals, whilst the measures set out should be secured through a pre-commencement planning condition. This position is further confirmed within the Planning & Development Board report in relation to the application (dated 4 March 2024), which confirms that '*It is of substantial weight that the Warwickshire County Ecologist has not objected to the enhancement proposals both on and off-site. It is thus considered that subject to appropriate planning conditions, the proposals do accord with Local Plan policy LP16.*'

"Biodiversity and Ecology" is included within Appendix B of the agreed Statement of Common Ground, with the relevant evidence received from statutory consultees raising no objections, such that in line with paragraph 44 of the Statement of Common Ground, relating to Other technical matters, the technical and environmental planning matters in relation to ecology are considered to be acceptable and in accordance with the relevant policies (LP16, LP17, LP29 and DNP2), whilst other benefits specifically noted (paragraph 45) include biodiversity net gains.

Highway Works

Further to the previously submitted information, it is understood that proposed offsite highways works have been agreed in principle with National Highways to the M42 J10 gyratory and A5, which would be anticipated to be secured through a Section 278 agreement, following any granting of planning permission in relation to the Appeal Proposals. I understand that initial details of the proposed works have been agreed in principle with the Highways Authority (as shown at Tetra Tech drawing ref: B033920-TTE-00-ZZ-SK-H-1001 Rev P01, dated 22/04/2024), albeit further detailed design work would be required with National Highways at the appropriate stage to ensure any associated new works and associated new/replacement highway verge planting are compliant with the relevant highways safety requirements which could therefore affect the final offsite areas included. Accordingly, it is proposed to incorporate the proposed highways works within an updated BIA/BNG Assessment undertaken following the detailed design stage, once details of the final works (and associated extent of area affected) can be confirmed in order to ensure these are fully taken into account, details of which could be suitably secured as part of a planning condition.



Given the substantial areas of additional (blue line) land, including as already identified for ecological enhancement measures as part of the proposals, along with the substantial net gain calculated for the proposals based on the previous information, should the required highways works result in any additional shortfall, it is clear that further opportunities for further new habitat provision would be present within the blue line land to further compensate, and ensure that the overall level of net gains calculated as a result of the proposals remains in line with the previously submitted information (i.e. overall gains in excess of 10% for *Habitat Biodiversity Units* and *Linear Biodiversity Units* under the Warwickshire, Coventry and Solihull BIA Calculator v19.0, in line with the previously submitted information in relation to the application).

Conclusion

Having reviewed the LPA's Statement of Case and matters raised by interested parties in the appeal (including the joint Rule 6 Party), I confirm that the conclusions reached in the technical assessment work relating to ecological matters which form part of the EIA submitted with planning application ref: PAP/2021/0663 (as summarised above) remain unchanged, such that following the implementation of the identified mitigation and enhancement measures set out, all adverse construction and operational effects of the Proposed Development on ecological receptors will be reduced to non-significant levels, whilst the Appeal Proposals will result in demonstrable biodiversity net gains.

Yours faithfully

Colin Lee

Director

colin.lee@aspect-ecology.com

Appendix 5.4

**LETTER OF MR J WILLIAMS,
BURROWS GRAHAM (FLOOD RISK
AND DRAINAGE)**



20073-BGL-XX-XX-LT-C-00001

12th April 2024

WSP
8 First Street,
Manchester,
M15 4GU

By Email to: james.warrington@wsp.com

Dear James,

Junction 10, M42, Dordon

I am Jack Williams, Civils Director at Burrows Graham Ltd, a Chartered Civil Engineer and a Member of both the Institution of the Civil Engineers (MICE) and Chartered Institution of Highways & Transportation (MCIHT). I have significant experience in flood risk, drainage and all aspects civil engineering to facilitate private developments.

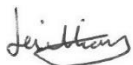
As part of our role on this project we carried out the following technical aspects;

- Flood Risk Assessment
- Outline Drainage Strategy
- General civil engineering design including proposed levels and earthworks
- ES chapter relating to Flood Risk and Drainage

As confirmed in the ES Chapter and the Flood Risk Assessment, the development has negligible impact on the flood risk of the surrounding area in both Construction and Operational phases. With specific reference to point 3.23 of the Joint Rule 6 Statement, relating to surface water flooding, we have confirmed in the FRA that we consider the existing issue of flooding caused by low lying topographical areas to be mitigated against through the proposed development levels and new drainage system. The LLFA have been consulted on this and have approved the FRA.

Having reviewed the LPA's Statement of Case and matters raised by interested parties in the appeal (including the joint Rule 6 Party), I maintain my position in respect of Flood Risk and Drainage and the conclusions reached in the technical assessment work forming part of the EIA submitted with planning application ref: PAP/2021/0663.

Yours sincerely,



Jack Williams
CEng MICE MCIHT
Civils Director
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Appendix 5.5

**LETTER OF MR J CHANDLER, WSP
(ARCHAEOLOGY)**





Planning Inspectorate

Our Ref: UK-70075293-DET

3 April 2024

CONFIDENTIAL

To Whom it may concern,

Appeal Ref: APP/R3705/W/23/3336295 - Land North East of Junction 10 M42, North Warwickshire

My name is Jon Chandler. I am a Technical Director with the WSP UK Ltd Cultural Heritage & Archaeology Team, which is the UK's largest. I have a BA Degree in Ancient History and Archaeology from the University of Manchester (1989) and a Post Graduate Diploma in Field Archaeology from the University of Oxford (1996). I have 25 years' experience in sector. I am a full Member of the Chartered Institute for Archaeologists (CIfA/2007). WSP is a CIfA Registered Organisation.

I have managed the heritage input for 1000+ public and private sector developments, including the UK's largest infrastructure projects and its most complex sites. I have designed and managed 12 major Historic England projects, contributed to national planning guidance, provided training for local government planners, and supported public enquiry. Prior to joining WSP in 2017, I was Head of Historic Environment Assessment with MOLA (Museum of London Archaeology).

To date, the technical assessment work undertaken in relation to the planning application at the above site (ref: PAP/2021/0663 - subject to an appeal) comprises an Environmental Statement for Archaeology, supported by technical appendices in the form of site-based evaluation reports from geophysical survey (2020) and archaeological trial trenching (2022). The work was carried out to CIfA professional standards and in accordance with Written Schemes of Investigation (WSI) setting out the scope and methodology for the work, as approved by the Local Planning Authority (LPA) Archaeological Advisor. This revealed limited evidence of significant archaeological activity, and indicated the likely presence of a Roman settlement nearby, outside the site, along with medieval and post-medieval agricultural activity. The buried remains associated with a post-medieval barn shown on historic maps were also identified.

The LPA Archaeological Advisor has indicated no objection in principle to the proposed development, but has recommended a standard archaeological condition to be attached to the granting of planning consent (*email comm* dated 26 Feb 2022 ref JR/nw/NW21_0663.1). An Archaeological Mitigation Strategy document (including a WSI) will need to be submitted and approved prior to development taking place. Following the implementation of such a strategy,

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archaeological impacts of the proposed development will have been considered satisfactorily mitigated, to form preservation by record.

Having reviewed the LPA's Statement of Case and matters raised by interested parties in the appeal (including the joint Rule 6 Party), I maintain my position in respect of archaeological matters and the conclusions reached in the technical assessment work forming part of the EIA submitted with planning application ref: PAP/2021/0663.

Yours sincerely,

Jon Chandler



Jon Chandler BA PGDip MCIfA
Technical Director – Cultural Heritage and Archaeology
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Appendix 5.6

**LETTER OF MR N CORBETT, WSP
(CULTURAL HERITAGE)**





The Planning Inspectorate

Our Ref:

9 April 2024

CONFIDENTIAL

Dear Planning Inspector,

Appeal Ref: APP/R3705/W/23/3336295 - Land North East of Junction 10 M42, North Warwickshire

My name is Nicholas Corbett. I lead the Heritage Planning and Placemaking Team within the Planning Consultancy at WSP. I am a Chartered Town Planner and a full member of the Institute of Historic Building Conservation. I have degrees in Town and Country Planning from the University of Manchester and a Master of Arts degree in Urban Design from Oxford Brookes University. I have over 25 years post-qualification professional experience of working in the heritage planning sector. I have served as a heritage expert witness at several public inquiries.

I led the built heritage assessment work undertaken for the Environmental Statement (December 2021) in relation to the planning application at the above site (ref: PAP/2021/0663). Archaeology was covered separately by WSP's specialist archaeologists. The ES considered the proposals in relation to potential impact upon built heritage within the context of relevant legislation, the National Planning Policy Framework, (Chapter 16), Local Plan policy, including Policy LP15 (Historic Environment), and published guidance, including that of Historic England.

As stated in the ES, there are no heritage assets located within the site, and there are no scheduled monuments, registered battlefields, registered parks and gardens or conservation areas within 1km of the site, but there are five listed buildings located within this area of search. The closest listed building is the Grade II listed Hall End Hall Farm, constructed in the late 17th / early 18th century, lying 750m to the south-east of the site. This listed building faces north onto the A5 Watling Street. At the road edge are trees which partially obscure views of the building from the surrounding area. Adjacent to the building on the west side is an associated agricultural building and to the south is a private garden enclosed by dense vegetation.

Hall End Hall Farm derives evidential value based on the surviving historic material which can be used to study construction techniques of the period and how buildings have been adapted to serve later requirements. The physical fabric also contributes to the aesthetic value of the building, as an example of vernacular architecture and use of local materials. The historic value is derived from the former use of the building as a farmhouse within a rural landscape. The building does not retain any communal value as it was not designed to serve the wider community nor does it now.

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Historically, the farmhouse would have been defined by its physical and visual association with the farm complex and agricultural surroundings. However, the building is no longer in use as a farmhouse and the land abutting it to the east, south and west has been redeveloped, or has extant consents for development, consisting of large, shed type developments. The A5 dual carriageway stands in front of the building within very close proximity (approximately 30m). As such, the setting of the listed building has been significantly altered in a harmful way and the ability to appreciate the former function of the building is considerably diminished. Therefore, setting is considered to make a low contribution to the significance of the listed building. It should also be noted that the open countryside directly in front of the listed building would remain open, and as such some visual relationship with the open countryside remains, all be it with the A5 severing the connection.

Any potential views of the proposed development from the listed building would be limited by distance and landscaping bunds around the application site, although it is understood that the design of these is to be finalised. The light from surrounding infrastructure, for example the M42 motorway means that any additional light caused by the proposed scheme is likely to have no harmful effect on the setting of the listed building.

The heritage value of the Listed Building is medium, and the magnitude of change is no harm, i.e. there would be no harmful effect on the heritage significance of this listed building.

In conclusion, from our assessment of the built heritage assets within 1 km of the site, it was established that the site does not contribute to their setting or significance, and the proposed development 20071970 would cause no harm to their heritage significance.

Having reviewed the LPA's Statement of Case and matters raised by interested parties in the appeal, including the joint Rule 6 Party, I maintain my position in respect of built heritage matters and the conclusions reached in the technical assessment work forming part of the EIA submitted with planning application ref: PAP/2021/0663. No harm would be caused to the significance of any built heritage assets.

Yours sincerely,

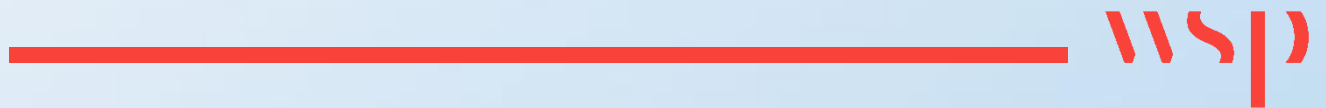
Nick Corbett



Nick Corbett, BA Hons Bpl MA MRTPI IHBC
Technical Director – Heritage Planning and Placemaking
WSP in the UK | The Mailbox, 100 Wharfside Street, Birmingham, B1 1RT

Appendix 6

AGRICULTURAL EVIDENCE OF MR KERNON



**LAND NORTH OF
JN10 OF THE M42 MOTORWAY,
NORTH WARWICKSHIRE**

**AGRICULTURAL EVIDENCE
ON BEHALF OF
THE APPELLANT**

By Tony Kernon BSc (Hons), MRICS, FBIAC

APP/R3705/W/24/3336295

PAP/2021/0663

16th May 2024





**LAND NORTH OF
JN10 OF THE M42 MOTORWAY,
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APP/R3705/W/24/3336295
PAP/2021/0663**

16th May 2024

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Authorised By 05/24

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T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

*Directors - **Tony Kernon** BSc(Hons), MRAC, MRICS, FBIAC **Sarah Kernon**
Consultants - **Ellie Chew** BSc(Hons), **Amy Curtis** BSc(Hons)*

CONTENTS

- 1 Introduction to Witness
- 2 Introduction to Evidence
- 3 Summary of Effects
- 4 Planning Policy
- 5 The Effects and Their Significance
- 6 Availability of Other Land
- 7 Summary and Conclusions

Appendices

- TK1 Curriculum Vitae
- TK2 Declaration
- TK3 ALC Methodology
- TK4 ALC Plan Robey's Lane
- TK5 ALC Plan Mercia Park Phase 1

1 INTRODUCTION TO WITNESS

- 1.1 This is a written statement by Tony Kernon. I am a Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. I have specialised in assessing the effects of development on agricultural land and businesses, acting for local planning authorities and applicants alike, nationwide, for over 35 years.
- 1.2 My Curriculum Vitae is at **Appendix TK1**. As a Chartered Surveyor giving expert evidence, I am bound by the RICS Practice Statement “Surveyors acting as Expert Witnesses” (4th Edition). A declaration to that effect is in **Appendix TK2**.

2 INTRODUCTION TO THE EVIDENCE

The Context

- 2.1 The Council's Putative Reasons for Refusal, as set out in their Rule 6 Statement section 1.3, does not refer to agricultural land.
- 2.2 Paragraph 5.23 of the Rule 6 Statement does identify "**loss of agricultural land**", but in the context that "**the Council will introduce evidence to show that it does not consider that other significant harms can be demonstrated**". The Council, therefore, appears to have agreed that it has identified no significant harm to agricultural land issues.
- 2.3 The Rule 6 Party (PPC, DPC and BCAT) at 3.4 state that the loss of agricultural land "**is deplored and not in keeping with LP4**".

Case Management Conference

- 2.4 The Inspector's Case Management Conference (CMC) Summary Note identified, in the main issues at section 14, that the following needs to be considered:
- "(iii) its effect on the best and most versatile agricultural land"**.

Scope of Evidence

- 2.5 The planning application was accompanied by a report by myself "Agricultural Land Classification and Circumstances", January 2021. This identified the land quality of the site and examined that in context. The matter was set out in Chapter 9 of the ES.
- 2.6 This Statement updates and expands that evidence, to provide the factual basis for an assessment of the planning balance, which is carried out in the planning evidence.
- 2.7 In particular in this Statement:
- (i) **section 3** summarises the factual information;
 - (ii) **section 4** updates the planning policy;
 - (iii) **section 5** assesses the effects of development and the harm, or otherwise, to agricultural land resources;
 - (iv) **section 6** considers other potential areas and other decisions taken by the local planning authority;
 - (v) **section 7** ends with a summary and conclusions.

3 SUMMARY OF FACTS

Agricultural Land Quality

- 3.1 Agricultural land quality is measured by a system of Agricultural Land Classification (ALC). This involves sampling soils, usually on a regular 100 metre grid, using a soil auger and spade, recording soil type and texture, the presence of mottles etc, and assessing that against the climate and site data using the MAFF ALC methodology¹. The system is described in Natural England’s TIN 049 (2012), which is at Appendix KCC2 of our January 2021 report, and a further explanation is provided in **Appendix TK3**.
- 3.2 Sources of information include the provisional ALC maps, the more recent “Likelihood of Best and Most Versatile quality maps” produced by Natural England (2017), and field survey results available either on the Government’s website or via specific planning applications. As explained and explored in this Statement, determining the exact quality of agricultural land requires a field survey.

Available Data

- 3.3 “Provisional” ALC maps were produced in the 1970s. As described in TIN049, these maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should be used only as general guidance. However, they are the only maps that seek to identify land quality in a particular area. The extract for the area is shown below, taken from our January 2021 report.

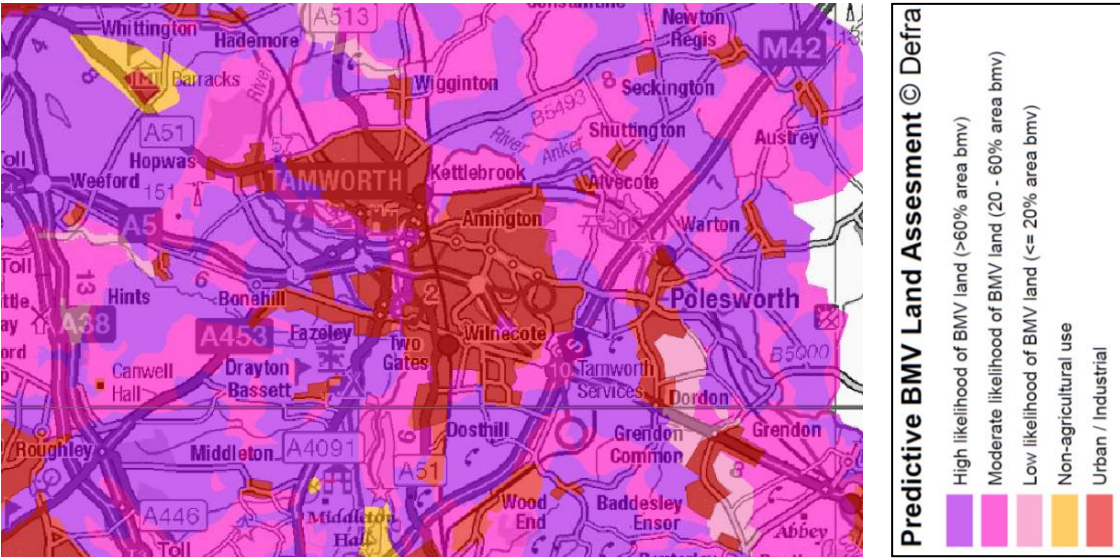
Insert 1: Extract from the Provisional ALC Map



¹ Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land – October 1988

- 3.4 In 2017 Natural England produced Likelihood of Best and Most Versatile (BMV) land maps, dividing the country into high, medium and low likelihood of BMV. These have been produced under the current ALC methodology, and are the most recent information available.
- 3.5 The site, in common with much of the land locally, falls into the “high” likelihood, meaning >60% of the wider area within which it is located is expected to be of BMV quality.

Insert 2: Extract of the Best and Most Versatile ALC Map



Survey Results

- 3.6 The appeal site has been surveyed in accordance with best practice, as set out in our report of January 2021. The ALC results are as follows.

Table 1: ALC Results

ALC Grade and Description	Area (ha)	Area (%)
2 very good	29	91
3b moderate	2	6
NA non-agricultural	1	3
Total	32	100

Farming Considerations

- 3.7 The land is presently farmed by the Appellant using large scale agricultural contractors who, it is understood, currently farm well in excess of 1500 ha of arable land. The appeal site forms part of a larger block of agricultural land with no buildings, and its loss will have no detrimental effect on their business or that of the contractors. The land use is arable cropping, being cereals and a break crop. There will be no significant adverse effects on any farm business, labour or other economic impact for the farm or the rural economy.

4 PLANNING POLICY

- 4.1 Planning policy is set out in our report of January 2021, section 2. In this Statement I highlight the key elements, update the references, and refer to policies mentioned in the Statements of Case of the Council and Rule 6 Party.

NPPF Summary and Update

- 4.2 The key policy is set out in paragraph 180 of the NPPF (December 2023). This requires, in subsection b), that planning policies and decisions should contribute to and enhance the natural environment by **“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”**.

- 4.3 This is not a bar to the use of, or development of, agricultural land, but a requirement that BMV land be recognised in the planning balance. BMV is defined in Annex 2 as land within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

- 4.4 Paragraph 181 is a plan making policy, not a decision taking policy. Footnote 62 is derived from this paragraph, and therefore applies to plan making. Footnote 62, as expanded in December 2023, states:

“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development”

- 4.5 This indicates that there is a policy preference for not using such land if there is clear evidence that the development can be reasonably accommodated on land which is not BMV.

Local Plan

- 4.6 The Local Plan (September 2021) does not contain a policy specific to agricultural land. Policy LP4 ‘Strategic Gap’, referred to by the Rule 6 Party in their Statement of Case paragraph 3.4, is not a policy for the protection of agricultural land.

5 THE EFFECTS AND THEIR SIGNIFICANCE

Overview and Context

- 5.1 Whilst the Inspector has correctly identified that the loss of BMV agricultural land is a relevant issue, it is agreed with the Council in the Statement of Common Ground that this is not a matter to which significant weight should be given, and the Council does not raise objection to the loss of BMV. It is not considered by the Council to comprise a reason for refusal. I have also not been advised that any evidence has been provided that the development proposed could be accommodated on land which is on land which does not comprise BMV.
- 5.2 The Rule 6 Party has raised agricultural land as an issue, but as set out in their Statement of Case this is in the context of its role in the strategic gap, not for any other planning reason. I do not understand that the protection of BMV land is a function of the Council's gap policy.

Effects

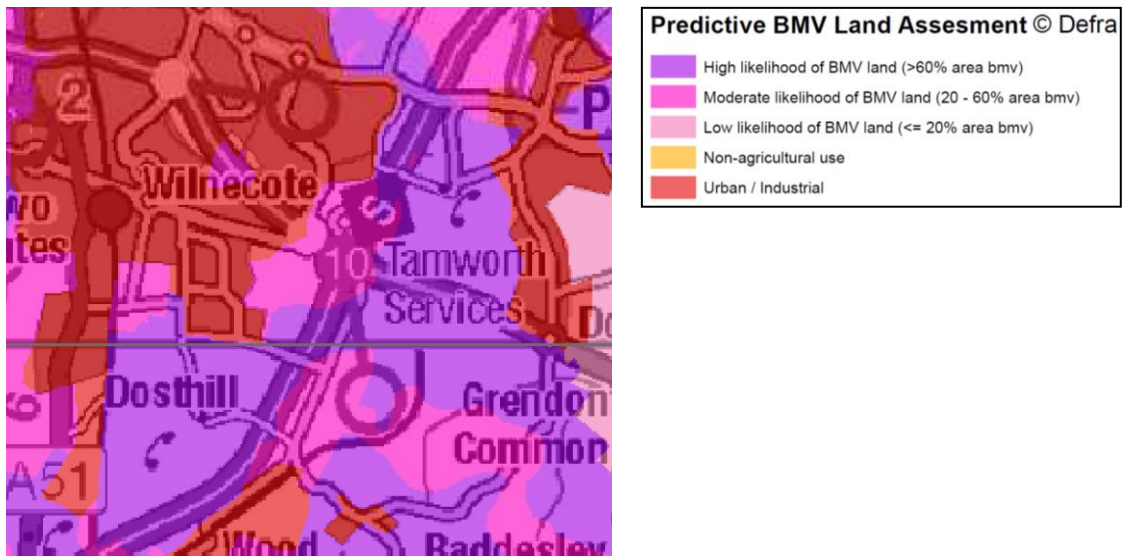
- 5.3 The effect of the development will be the loss, through sealing over or alteration to the ALC grade where land is used for landscaping, open space etc, of 29 ha of Grade 2 plus 2 ha poorer quality agricultural land, and 1 ha of hardstanding and tracks.

Significance

- 5.4 Planning policy does not place a bar on the loss of agricultural land. It requires, via the NPPF, that the economic and other benefits of BMV land be recognised, along with a long-standing policy preference not to use it if other suitable land is available to accommodate the development.
- 5.5 As set out in section 3, the available evidence suggests that most of the land in this area is of BMV quality.

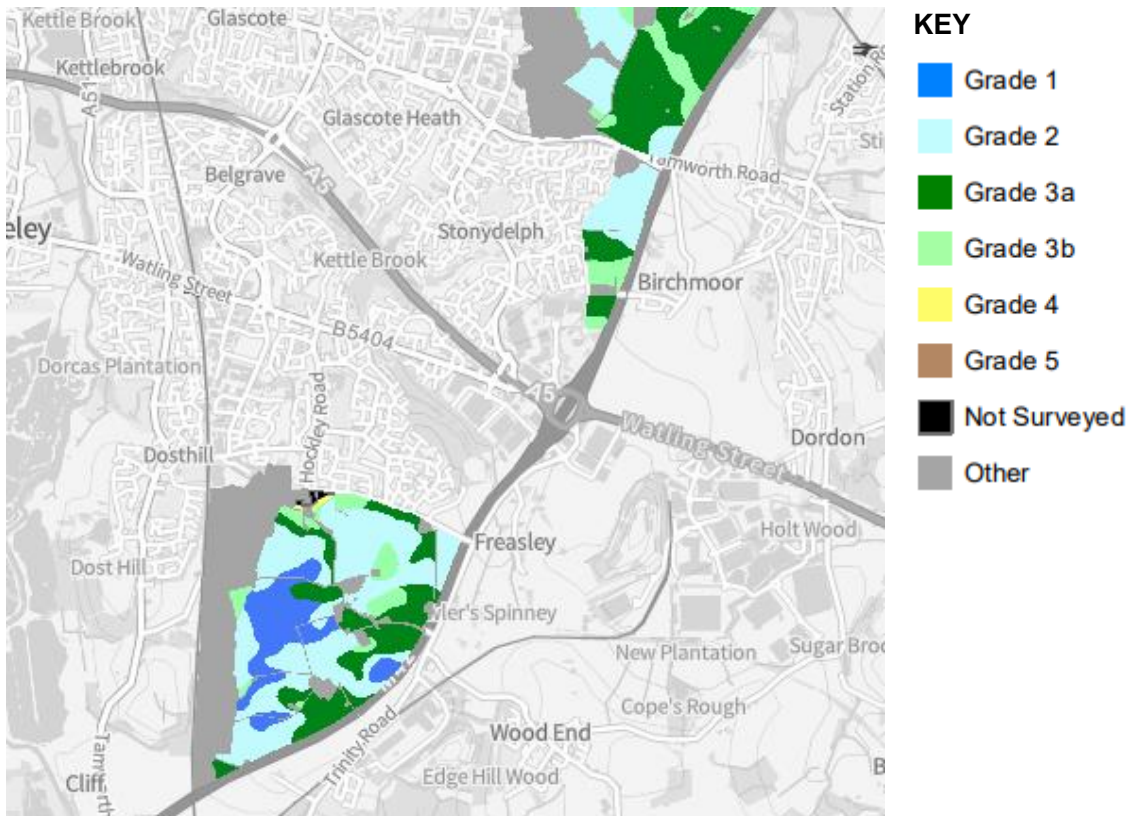
5.6 The area around Junction 10 is shown as mostly falling within the high likelihood of BMV, as the close-up plan below shows.

Insert 3: Close Up of Likelihood of BMV



5.7 Historically MAFF has carried out ALC surveys of extensive areas of land in the area. The results are available on www.magic.gov.uk, and are shown below. This confirms the generally high land quality.

Insert 4: Extract from www.magic.gov.uk



5.8 The ES Chapter 9 identified the loss to be of moderate adverse significance in environmental terms.

5.9 The “provisional” ALC maps identify the area and proportion of land by ALC grade in the district, compared to England, as follows.

Table 2: Proportion of Land by ALC Grade

ALC Grade	England		North Warwickshire	
	Hectares	%	Hectares	%
1	354,562	2.7	105	0.4
2	1,848,874	14.2	5,610	19.7
3	6,290,210	48.2	19,136	67.3
4	1,839,581	14.1	2,009	7.1
5	1,100,305	8.4	0	0
Non-Ag	655,856	5.0	1,108	3.9
Urban	951,424	7.3	459	1.6

5.10 The ALC system has been changed since the provisional maps were produced. Natural England, in TIN049, estimate that 42% of agricultural land is of BMV quality under the revised guidelines. This equates to approximately 40% of Grade 3 being Subgrade 3a.

5.11 The current utilised area of agricultural land in England is 8.8 million hectares, such that 3.7 million hectares of BMV agricultural land is currently in active agricultural use.

5.12 The loss of this site can therefore be seen in that context.

5.13 Whilst it does not place a bar on the use or loss of BMV agricultural land, the NPPF requires that the economic and other benefits be recognised.

5.14 The agricultural economic benefits of BMV use were set out, using a crude measure, in our report of January 2021. These are updated below, using the latest available figures. The table also identifies production figures. Other economic benefits of the appeal proposals are addressed in other expert reports before the decision taker.

Table 3: Assessment of Economic Farmed Land

Item	Winter Wheat		Oilseed Rape	
	Average	High	Average	High
Yield (t/ha)	8.6t/ha	10.0t/ha	3.5t/ha	4.0t/ha
Output (£)	£1,813/ha	£2,086/ha	£1,523/ha	£1,740/ha
Gross Margin (£)	£1,116/ha	£1,389/ha	£944/ha	£1,161/ha
Uplift (£)	-	£273/ha	-	£217/ha

John Nix Pocketbook for Farm Management, September 2023

- 5.15 The economic benefits relating to the BMV land use, were this land to be retained for agriculture and the development to take place on poorer quality land instead, would be of the order of £6,300 - £7,900 per annum. That is a modest sum, which is dwarfed by the wider economic benefits which I am advised will arise from this proposal.
- 5.16 Footnote 62 of the NPPF refers, in the context of plan making, to the availability of land for food production. Whilst this policy is not relevant to this appeal, in terms of the implications for food production they can be considered in the “other benefits” of BMV. Taking the above crude estimate, and if the land was cropped for winter wheat, the benefit of BMV to non-BMV land would be 1.4 t/ha/year, so 40.6 tonnes per annum.
- 5.17 In context, in 2023 the UK produced just under 22 million tonnes of cereals (14 million t wheat, 7 m/t barley, 0.8 m/t oats) plus 1.2 m/t oilseed rape. The production implications are therefore negligible.

6 AVAILABILITY OF OTHER LAND

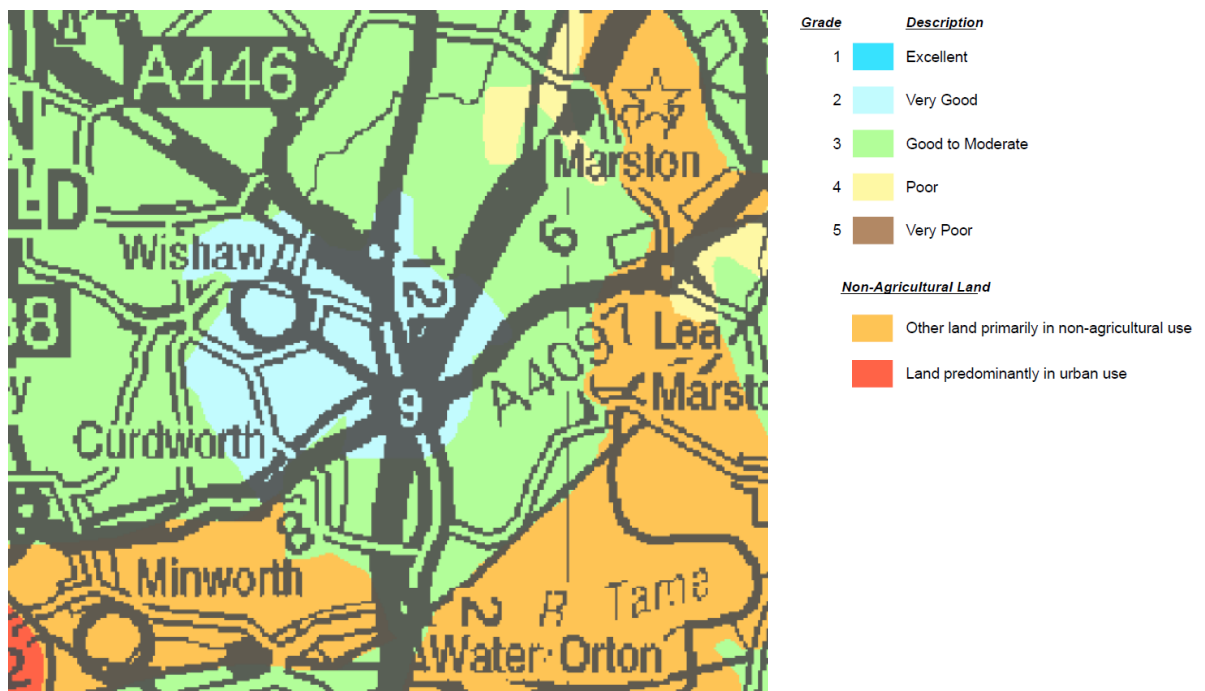
Overview and Context

- 6.1 Planning policy in the NPPF paragraph 180 does not set a bar to the development of BMV agricultural land. Reference is made in footnote 62, which relates to the plan-making policy paragraph 181, to using poorer quality land in preference, in the context of considering the policies in the NPPF as a whole (as specified in paragraph 3).
- 6.2 In that context this section examines land quality information around nearby motorway junctions.

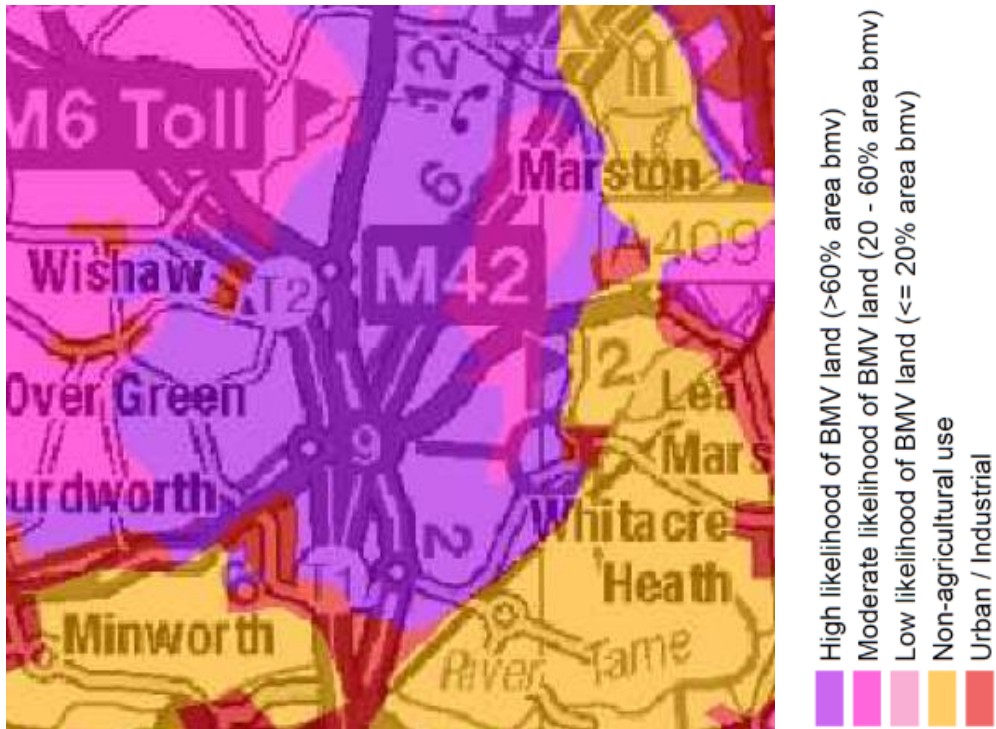
Land Quality Around Motorway Junctions

- 6.3 The land quality around Junction 10 has been set out in sections 3.4 – 3.5, and 5.5 – 5.7.
- 6.4 Junction 9 of the M42 is similarly surrounded by good quality land. The plans below show:
- the land around the junction as “provisional” ALC Grade 2;
 - the Likelihood of BMV around the junction and wider afield as in the high likelihood of BMV;
 - there is no detailed ALC data on www.magic.gov.uk.

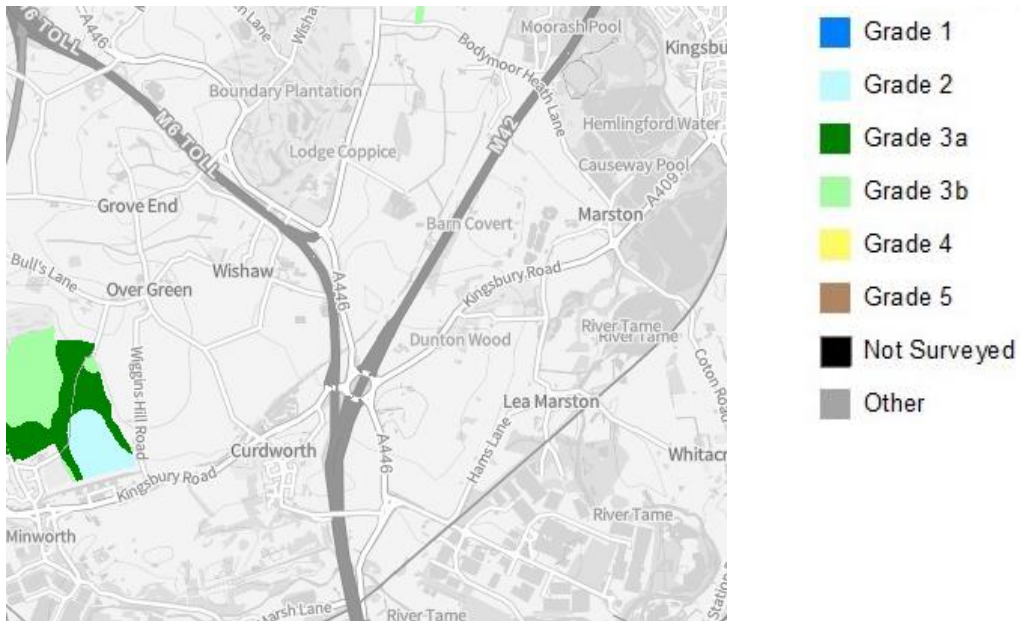
Insert 5: Provisional ALC



Insert 6: Likelihood of BMV



Insert 7: Available ALC Data



6.5 Junction 11 of the M42 is similarly surrounded by good quality land. The maps show:

- the land around the junction as all Grade 2 on the provisional maps;
- the land all falling within the high likelihood of BMV;
- what survey data is available shows mostly Grade 2 and 3a.

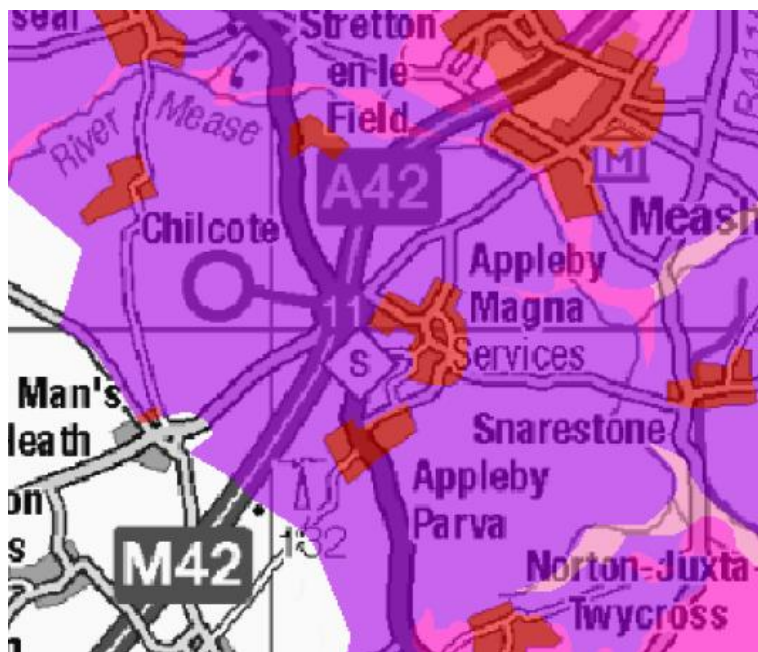
Insert 8: Provisional ALC



Grade	Description
1	Excellent
2	Very Good
3	Good to Moderate
4	Poor
5	Very Poor

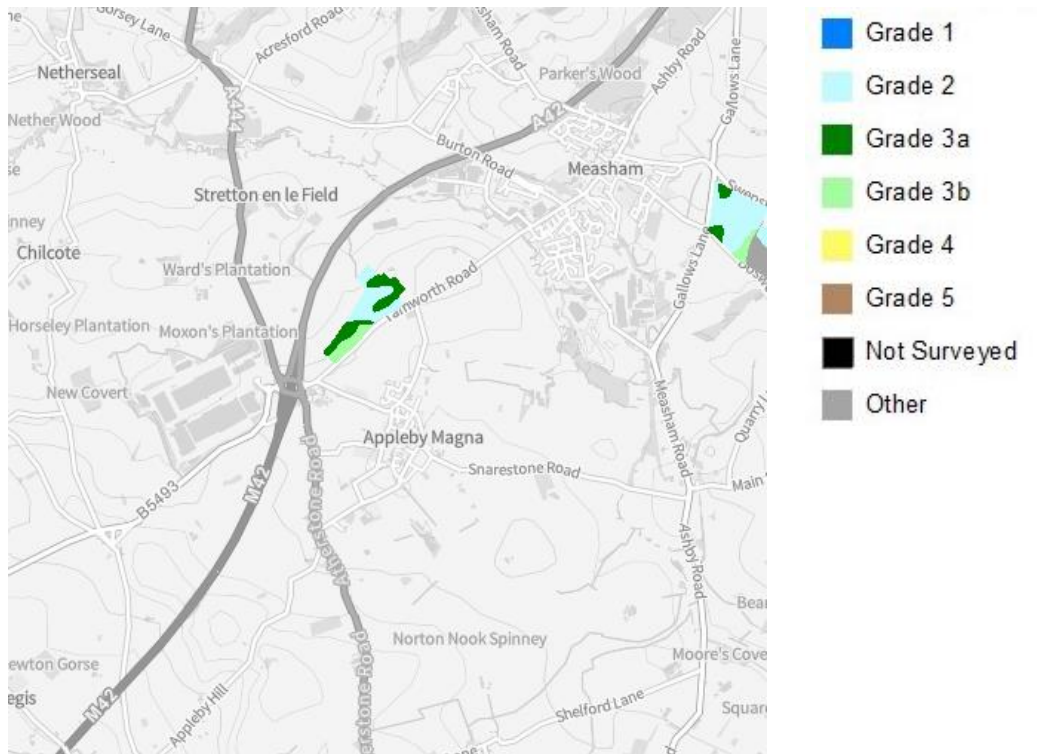
Non-Agricultural Land	
[Orange]	Other land primarily in non-agricultural use
[Red]	Land predominantly in urban use

Insert 9: Likelihood of BMV



[Dark Purple]	High likelihood of BMV land (>60% area bmv)
[Medium Purple]	Moderate likelihood of BMV land (20 - 60% area bmv)
[Light Purple]	Low likelihood of BMV land (<= 20% area bmv)
[Orange]	Non-agricultural use
[Red]	Urban / Industrial

Insert 10: Available ALC Data



- 6.6 In terms of information from planning applications that have been made, in respect of Junction 10 the following is known:
- land west of Robey's Lane, Tamworth (PAP/2018/0755): 68.6 ha Grade 3a, 18,9 ha Grade 3b, 8.0 ha non-agricultural (LRA January 2018, see **Appendix TK4**).
- 6.7 In respect of Junction 11 the following is known:
- Mercia Park Phase 1 (19/02017/VCUM): 31.2 ha Grade 2, 26.7 ha Grade 3a, 32.3 ha Grade 3b, 7.2 ha non-agricultural (see **Appendix TK5**). This development was permitted;
 - Mercia Park Phase 2 (24/00414/EAS): (Scoping only) provisional maps show Grade 2.

Conclusion

- 6.8 Accordingly it is possible to conclude that the land quality around junctions 9, 10 and 11 is likely to be mostly of BMV. Overall the expectation is that land of BMV will need to be developed if non-agricultural development is necessary.

7 SUMMARY AND CONCLUSIONS

Context

- 7.1 This evidence considers the agricultural land quality and related matters in respect of the appeal proposal.
- 7.2 This has been identified as a main issue by the Inspector at the Case Management Conference.
- 7.3 The Council has not raised the agricultural land quality or related issues as a matter of concern, and it is agreed that they do not consider it a reason to resist development.
- 7.4 The Rule 6 Party has mentioned the loss of agricultural land, but in the context of its role in connection with Policy LP4 “Strategic Gap”.

Land Quality

- 7.5 The land quality, as set out in the application, is mostly Grade 2 with an area of Subgrade 3b and areas of non-agricultural land.

Planning Policy

- 7.6 Planning Policy does not place a bar on the use of agricultural land. Land in Grades 1, 2 and 3a falls within the “best and most versatile” agricultural land quality (BMV) and this accounts for approximately 42% of agricultural land in England. As such, it is not rare. An estimated 3.7 million hectares of BMV is in active agricultural use.
- 7.7 The NPPF requires that the economic and other benefits of BMV land are “recognised”.

Assessment

- 7.8 The economic benefits of 29 ha of BMV land, compared to poorer quality land were the development instead to be located on such land, are limited, at under £8,000 per annum.
- 7.9 The food production benefits of 29 ha of BMV land compared to poorer quality land, were the development instead to be located on such land, are limited, at 40 tonnes of wheat. The UK produces about 22 million tonnes of cereals, including 14 million tonnes of wheat, per annum so the other benefits are limited.
- 7.10 The requirement to consider whether poorer quality land is available in preference relates only to the plan making policy paragraph 181 of the NPPF. Notwithstanding that there is

no requirement to consider the availability of poorer quality land as part of this appeal, analysis of land around junctions 9, 10 and 11 has identified that almost all of the land is known to be, or is predicted to be, of BMV quality. There are, therefore, no obvious areas of poorer quality land available.

Conclusion

- 7.11 Planning policy requires the economic and other benefits of BMV land to be recognised. These benefits have been considered and they are not significant. Poorer quality land is not generally available. In such circumstances development in the area is expected to involve the use of BMV.

Appendix TK1
Curriculum Vitae



CURRICULUM VITAE

ANTHONY PAUL KERNON

SPECIALISMS

- Assessing the impacts of development proposals on agricultural land and rural businesses
- Agricultural building and dwelling assessments
- Equestrian building and dwelling assessments (racing, sports, rehabilitation, recreational enterprises)
- Farm and estate diversification and development
- Inputs to Environmental Impact Assessment
- Expert witness work



SYNOPSIS

Tony is a rural surveyor with 35 years experience in assessing agricultural land issues, farm and equestrian businesses and farm diversification proposals, and the effects of development proposals on them. Brought up in rural Lincolnshire and now living on a small holding in Wiltshire, he has worked widely across the UK and beyond. He is recognised as a leading expert nationally in this subject area. Married with two children. Horse owner.

Tony's specialism is particularly in the following key areas:

- assessing the need for agricultural and equestrian development, acting widely across the UK for applicants and local planning authorities alike;
- farm development and diversification planning work, including building reuse and leisure development, Class Q, camping etc;
- assessing development impacts, including agricultural land quality and the policy implications of losses of farmland due to residential, commercial, solar or transport development, and inputs to Environmental Assessment;
- and providing expert evidence on these matters to Planning Inquiries and Hearings, court or arbitrations.

QUALIFICATIONS

Bachelor of Science Honours degree in Rural Land Management, University of Reading (BSc(Hons)). 1987. Awarded 2:1.

Diploma of Membership of the Royal Agricultural College (MRAC).

Professional Member of the Royal Institution of Chartered Surveyors (MRICS) (No. 81582). (1989).

OTHER PROFESSIONAL ACTIVITIES

Co-opted member of the Rural Practice Divisional Council of the Royal Institution of Chartered Surveyors. (1994 - 2000)

Member of the RICS Planning Practice Skills Panel (1992-1994)

Member of the RICS Environmental Law and Appraisals Practice Panel (1994 - 1997).

Fellow of the British Institute of Agricultural Consultants (FBIAC) (1998 onwards, Fellow since 2004).

Secretary of the Rural Planning Division of the British Institute of Agricultural Consultants (BIAC) (1999 – 2017).

Vice-Chairman of the British Institute of Agricultural Consultants (2019 – 2020)

Chairman of the British Institute of Agricultural Consultants (2020 – 2022)

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Purton Stoke, Swindon SN5 4LL
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Website: www.kernon.co.uk*



EXPERIENCE AND APPOINTMENTS

- 1997 -----> **Kernon Countryside Consultants.** Principal for the last 27 years of agricultural and rural planning consultancy specialising in research and development related work. Specialisms include essential dwelling and building assessments, assessing the effects of development on land and land-based businesses, assessing the effects of road and infrastructure proposals on land and land-based businesses, and related expert opinion work. Tony specialises in development impact assessments, evaluating the effects of development (residential, solar, road etc) on agricultural land, agricultural land quality, farm and other rural businesses.
- 1987 - 1996 **Countryside Planning and Management,** Cirencester. In nearly ten years with CPM Tony was involved in land use change and environmental assessment studies across the UK and in Europe. From 1995 a partner in the business.
- 1983 - 1984 **Dickinson Davy and Markham,** Brigg. Assistant to the Senior Partner covering valuation and marketing work, compulsory purchase and compensation, and livestock market duties at Brigg and Louth.

RECENT RELEVANT EXPERIENCE

TRAINING COURSES

- Landspreading of Non Farm Wastes.** Fieldfare training course, 24 – 25 November 2009
Foaling Course. Twemlows Hall Stud Farm, 28 February 2010
Working with Soil: Agricultural Land Classification. 1 – 2 November 2017

TRANSPORT ENVIRONMENTAL ASSESSMENT CONTRIBUTIONS

- 1992 Port Wakefield Channel Tunnel Freight Terminal, Yorkshire
1993 A1(M) Widening, Junctions 1-6 (Stage 2)
1994 - 1995 A55 Llanfairpwll to Nant Turnpike, Anglesey (Stage 3)
1994 - 1995 A479(T) Talgarth Bypass, Powys (Stage 3)
1995 Kilkhampton bypass (Stage 2)
1997 A477 Bangeston to Nash improvement, Pembroke
2000 Ammanford Outer Relief Road
2001 A421 Great Barford Bypass
2001 Boston Southern Relief Road
2003 A40 St Clears - Haverfordwest
2003 A470 Cwibrach – Newbridge on Wye
2003 A11 Attleborough bypass
2003 - 2008 A487 Porthmadog bypass (Inquiry 2008)
2004 A55 Ewloe Bypass
2004 A40 Witney – Cogges link
2005 – 2007 A40 Robeston Wathen bypass (Inquiry 2007)
2005 – 2007 East Kent Access Road (Inquiry 2007)
2006 M4 widening around Cardiff
2007 – 2008 A40 Cwymbach to Newbridge (Inquiry 2008)
2007 A483 Newtown bypass
2008 – 2009 A470/A483 Builth Wells proposals
2009 – 2017 A487 Caernarfon-Bontnewydd bypass (Inquiry 2017)
2009 – 2010 North Bishops Cleeve extension
2009 – 2010 Land at Coombe Farm, Rochford
2009 – 2011 A477 St Clears to Red Roses (Inquiry 2011)
2010 – 2011 Streethay, Lichfield
2010 – 2012 A465 Heads of the Valley Stage 3 (Inquiry 2012)
2013 – 2016 A483/A489 Newtown Bypass mid Wales (Inquiry 2016)
2013 - 2016 High Speed 2 (HS2) rail link, Country South and London: Agricultural Expert for HS2 Ltd
2015 – 2017 A487 Dyfi Bridge Improvements
2016 – 2018 A465 Heads of the Valley Sections 5 and 6 (Inquiry 2018)
2017 - 2018 A40 Llanddewi Velfrey to Penblewin

2017 – 2018 A4440 Worcester Southern Relief Road
 2019 – 2020 A40 Penblewin to Red Roses
 2019 – 2020 A55 Jn 15 and 16 Improvements

NSIP/DCO SOLAR INPUTS

2020 – 2023 Heckington Fen
 Mallard Pass
 Penpergwm
 Parc Solar Traffwll
 Alaw Môn
 Parc Solar Caenewydd
 Tween Bridge Solar Farm
 Gate Burton
 Great North Road Solar
 Helios Renewable Energy Project
 Dean Moor
 Oaklands Solar

EXPERT EVIDENCE GIVEN AT PUBLIC INQUIRIES AND HEARINGS

1992	Brooklands Farm: Buildings reuse Chase Farm, Maldon: Removal of condition	Bonehill Mill Farm: New farm building
1993	Haden House: Removal of condition	Manor Farm: New farm dwelling
1994	Brooklands Farm: 2 nd Inquiry (housing) Barr Pound Farm: Enforcement appeal Fortunes Farm Golf Course: Agric effects	Cameron Farm: Mobile home Land at Harrietsham: Enforcement appeal
1995	Village Farm: New farm dwelling Claverdon Lodge: Building reuse Harelands Farm: Barn conversion Castle Nurseries: Alternative site presentation	Attlefield Farm: Size of farm dwelling Bromsgrove Local Plan: Housing allocation Lichfield Local Plan: Against MAFF objection Hyde Colt: Mobile home / glasshouses Highmoor Farm: New farm dwelling Gwenfa Fields: Removal of restriction Yatton: Horse grazing on small farm Newbury Local Plan: Effects of development
1996	Church View Farm: Enforcement appeal Flecknoe Farm: Second farm dwelling	
1997	Basing Home Farm: Grain storage issue Viscar Farm: Need for farm building / viability Lane End Mushroom Farm: Need for dwelling	Two Burrows Nursery: Building retention Dunball Drove: Need for cattle incinerator
1998	Moorfields Farm: New farm dwelling Maidstone Borough LPI: Effects of dev'ment Glenfield Cottage Poultry Farm: Bldg reuse	Lambriggan Deer Farm: Farm dwelling
1999	Holland Park Farm: Farm dwelling / calf unit Northington Farm: Existing farm dwelling	
2000	Twin Oaks Poultry Unit: Traffic levels Meadows Poultry Farm: Farm dwelling Hazelwood Farm: Beef unit and farm dwelling Shardeloes Farm: Farm buildings Aylesbury Vale Local Plan: Site issues Deptford Farm: Buildings reuse	Coldharbour Farm: Buildings reuse Heathey Farm: Mobile home Wheal-an-Wens: Second dwelling Apsley Farm: Buildings reuse Home Farm: Size of grainstore A34/M4 Interchange: Agricultural evidence Weyhill Nursery: Second dwelling Mannings Farm: Farm dwelling Land Adj White Swan: Access alteration Happy Bank Farm: Lack of need for building Lower Park Farm: Building reuse / traffic Stourton Hill Farm: Diversification
2001	Lambriggan Deer Farm: Farm dwelling Blueys Farm: Mobile home	
2002	A419 Calcutt Access: Effect on farms Cobweb Farm: Buildings reuse / diversification Philips Farm: Farm dwelling West Wilts Local Plan Inquiry: Dev site Manor Farm: Building reuse	Darren Farm: Impact of housing on farm Greenways Farm: Farm diversification Land at Four Marks: Dev site implications
2003	Fairtrough Farm: Equine dev and hay barn Hollies Farm: Manager's dwelling Land at Springhill: Certificate of lawfulness Oak Tree Farm: Mobile home	

2004	<p>Chytane Farm: Objector to farm dwelling Crown East: Visitor facility and manager's flat Swallow Cottage: Widening of holiday use Etchden Court Farm: New enterprise viability Attleborough Bypass: On behalf of Highways Agency</p>	<p>Oldberrow Lane Farm: Relocation of buildings Forestry Building, Wythall: Forestry issues Lower Dadkin Farm: Mobile home Villa Vista: Viability of horticultural unit</p>
2005	<p>Howells School: Use of land for horses Otter Hollow: Mobile home Springfield Barn: Barn conversion Ashley Wood Farm: Swimming pool The Hatchery: Mobile home Stockfields Farm: Building reuse</p>	<p>Newton Lane: Enforcement appeal Manor Farm: Change of use class South Hatch Stables: RTE refurbishment Trevaskis Fruit Farm: Farm dwelling Tregased: Enforcement appeal</p>
2006	<p>Manor Farm: Replacement farmhouse Sough Lane: Farm dwelling Whitewebbs Farm: Enforcement appeal Land at Condicote: Farm dwelling Rye Park Farm: Enforcement appeal Woodrow Farm: Buildings reuse Rectory Farm: Retention of unlawful bldg Walltree Farm: Retention of structures Weeford Island: Land quality issues College Farm: Relocation of farmyard</p>	<p>Bhaktivedanta Manor: Farm buildings Military Vehicles: Loss of BMV land Ermine Street Stables: Enforcement appeal Featherstone Farm: Replacement buildings Flambards: Mobile home and poultry unit Manor Farm: Effect of housing on farm Goblin Farm: Arbitration re notice to quit Terrys Wood Farm: Farm dwelling Etchden Court Farm: Mobile home Hollowshot Lane: Farm dwelling and buildings Barcroft Hall: Removal of condition Kent Access Road: Effect on farms Greys Green Farm: Enforcement appeal A40 Roboston Wathen bypass: Underpass Woodland Wild Boar: Mobile homes</p>
2007	<p>Woolly Park Farm: Manager's dwelling Park Gate Nursery: Second dwelling Penyrheol Ias: Retention of bund Hucksholt Farm: New beef unit in AONB The Green, Shrewley: Mobile home Brook Farm: Retention of polytunnels</p>	<p>Whitegables: Stud manager's dwelling Balaton Place: Loss of paddock land Point to Point Farm: Buildings / farm dwelling Norman Court Stud: Size of dwelling High Moor: Temporary dwelling Land at St Euny: Bldg in World Heritage Area</p>
2008	<p>Weights Farm: Second dwelling Hill Farm: Mobile home Relocaton of Thame Market: Urgency issues Spinney Bank Farm: Dwelling / viability issues Higham Manor: Staff accommodation Roboston Watham bypass: Procedures Hearing Monks Hall: Covered sand school Porthmadog bypass: Road scheme inquiry</p>	<p>Baydon Meadow: Wind turbine</p>
2009	<p>Claverton Down Stables: New stables Hailsham Market: Closure issues</p> <p>Gambledown Farm: Staff dwelling Oak Tree Farm: Farm dwelling A470 Builth Wells: Off line road scheme Hill Top Farm: Second dwelling Sterts Farm: Suitability / availability of dwelling</p>	<p>Meadow Farm: Building conversion Bishop's Castle Biomass Power Station: Planning issues Foxhills Fishery: Manager's dwelling Bryn Gollen Newydd: Nuisance court case Swithland Barn: Enforcement appeal Woodrow Farm: Retention of building</p>
2010	<p>Poultry Farm, Christmas Common: Harm to AONB Wellsprings: Rention of mobile home Redhouse Farm: Manager's dwelling Lobbington Fields Farm: Financial test</p>	<p>Stubwood Tankers: Enforcement appeal</p> <p>Meridian Farm: Retention of building Swithland Barn: Retention of building</p>
2011	<p>Fairtrough Farm: Enforcement appeal Etchden Court Farm: Farm dwelling Trottscliffe Nursery: Mobile home</p>	<p>A477 Red Roses to St Clears: Public Inquiry Upper Bearfield Farm: Additional dwelling North Bishops Cleeve: Land quality issues Langborrow Farm: Staff dwellings Heads of the Valley S3: Improvements Seafeld Pedigrees: Second dwelling Beedon Common: Permanent dwelling</p>
2012	<p>Tickbridge Farm: Farm dwelling Blaenanthir Farm: Stables and sandschool Land at Stonehill: Eq dentistry / mobile home Cwmcoedlan Stud: Farm dwelling with B&B</p>	

2013	Barnwood Farm: Farm dwelling Spring Farm Barn: Building conversion Baydon Road: Agricultural worker's dwelling Stapleford Farm: Building reuse Meddler Stud: Residential development Deer Barn Farm: Agricultural worker's dwelling	Upper Youngs Farm: Stables / log cabin Tithe Barn Farm: Enforcement appeal Lower Fox Farm: Mobile home / building Tewinbury Farm: Storage barn Church Farm: Solar park construction
2014	Land at Stow on the Wold: Housing site Allspheres Farm: Cottage restoration Land at Stonehill: Equine dentistry practice Spring Farm Yard: Permanent dwelling Land at Valley Farm: Solar park Land at Haslington: Residential development Manor Farm: Solar farm on Grade 2 land Penland Farm: Residential development Sandyways Nursery: Retention of 23 caravans	Land at Elsfield: Retention of hardstanding Queensbury Lodge: Potential development Kellygreen Farm: Solar park development Spring Farm Barn: Building conversion Land at Willaston: Residential development Bluebell Cottage: Enforcement appeal Clemmit Farm: Mobile home Honeycrock Farm: Farmhouse retention The Mulberry Bush: Farm dwelling
2015	The Lawns: Agricultural building / hardstanding Harefield Stud: Stud farm / ag worker's dwelling Newtown Bypass: Compulsory purchase orders Barn Farm: Solar farm Hollybank Farm: Temporary dwelling renewal Five Oaks Farm: Change of use of land and temporary dwelling	Redland Farm: Residential dev issues Emlagh Wind Farm: Effect on equines Fox Farm: Building conversion to 2 dwellings Wadborough Park Farm: Farm buildings Delamere Stables: Restricted use
2016	Clemmit Farm: Redetermination The Lawns: Replacement building Land at the Lawns: Cattle building	Meddler Stud: RTE and up to 63 dwellings Land off Craythorne Road: Housing dev Berkshire Polo Club: Stables / accomm
2017	Low Barn Farm: Temporary dwelling High Meadow Farm: Building conversion Windmill Barn: Class Q conversion Land at Felsted: Residential development	Harcourt Stud: Temporary dwelling Clemmit Farm: Second redetermination Stonehouse Waters: Change of use of lake
2018	Thorney Lee Stables: Temporary dwelling Benson Lane: Outline app residential Park Road, Didcot: Outline app residential Coalpit Heath: Residential development	Watlington Road: Outline app residential A465 Heads of the Valley 5/6: Agric effects The Old Quarry: Permanent dwelling Chilway Farm: Removal of condition Leahurst Nursery: Temporary dwelling
2019	Mutton Hall Farm: Agric worker's dwelling Clemmit Farm: Third redetermination Ten Acre Farm: Enforcement appeal Harrold: 94 Residential dwellings	Icomb Cow Pastures: Temp mobile home Forest Faconry: Construction of hack pens
2020	Stan Hill: Temp dwelling/agric. buildings Allspheres Farm: Enlargement of farm dwelling	Hazeldens Nursery: Up to 84 extra care units Leahurst Nursery: Agricultural storage bldg
2021	Ruins: Dwelling for tree nursery	Sketchley Lane, Burbage: Industrial and residential development Park Solar Traffwl: Solar Hearing
2022	Thornbury: Local BMV Penpergwym: Solar Farm Hearing	Scruton Solar Farm: Effects on BMV and food Land at East Burnham: Equestrian facilities Fladbury: Housing on BMV land Pound Road, Axminster: BESS and BMV Wymondley Solar: Use of BMV Little Acorn Farm, St Keyne: Worker's dwelling
2023	Mudds Bank: Equestrian workers dwelling Mallard Pass NSIP: Issue specific hearing Bramford Solar: Loss of BMV / food Gate Burton NSIP: BMV and Food Heckington Fen NSIP: Issue Hearing Cutlers Green Solar: Use of BMV Twigworth, Glos: Use of BMV land	East End Solar, Harlow: Use of BMV Sittingbourne, Kent: Housing on BMV Murrells End Solar, Gloucester: BMV
2024	Sheepwash Solar, Kent: Use of BMV land Washdyke Solar, Grantham: Use of BMV Copper Bottom Solar, Camborne: Use of BMV	

**Appendix TK2
Declaration**

DECLARATION

In accordance with the requirements of the Royal Institution of Chartered Surveyors Practice Statement, "Surveyors acting as expert witnesses" (4th edition, February 2023):

- (i) I confirm that my report includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- (ii) I confirm that my duty to this Public Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- (iii) I confirm that I am not instructed under any conditional fee arrangement.
- (iv) I confirm that I have no conflicts of interest of any kind other than those already disclosed in my report.
- (v) I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in *Surveyors acting as expert witnesses*: RICS practice statement.

Signed:



(Tony Kernon)

Dated: 16th May 2024

Appendix TK3
Agricultural Land Classification
Methodology

AGRICULTURAL LAND CLASSIFICATION

The ALC System

Agricultural land is measured under a system of Agricultural Land Classification (ALC). This grades land based on the long-term physical limitations of land for agricultural use, including climate (temperature, rainfall, aspect, exposure and frost risk), site (gradient, micro-relief and flood risk) and soil (texture, structure, depth and stoniness) criteria, and the interactions between these factors determining soil wetness, droughtiness and utility. The system is described in Natural England's Technical Information Note TIN049 (2012).

Land is divided into five grades, 1 to 5. Grade 3 is divided into two subgrades. Land falling into ALC Grades 1, 2 and Subgrade 3a is the "**best and most versatile**" (BMV) (as defined in the National Planning Policy Framework (2021), Annex 2). Natural England estimate that 42% of agricultural land in England is of BMV quality (see TIN049).

ALC Methodology

A detailed ALC requires examination of the soils on a regular 100m grid line, to sample at a density of one per hectare. The use of a regular grid seeks to avoid any selective bias.

If the 100m gridline falls on a location that cannot be surveyed, such as within a hedgeline or on a farm track, the auger point will be moved to the closest possible location.

The ALC methodology requires soils to be examined down to, if achievable, 1.2 metres. This is done using a soil auger, such as the example shown below, recording soils as they are removed. Examples are shown below.

Examples of Auger Sampling



Periodic pits are dug to determine stoniness and to better describe soil profiles. The size of the pit will depend upon the type of soil. Two examples are shown below.

Examples of Soil Pits



Soil pits are dug at locations considered to represent the soil types found.

Samples of soils that represent the main soil types found may be sent to a laboratory for particle size distribution, to determine the proportion of sand, silt and clay.

Following survey the results are analysed against the criteria in the ALC Guidelines (Agricultural Land Classification of England and Wales: revised guidelines and criteria for assessing the quality of agricultural land, MAFF (October 1988)).

Once the grade of each auger point has been calculated, these are plotted on a map. The surveyor then reviews the patterns, decides if any points are anomalies that are discounted due to pattern limitation, and then estimates the boundaries between the grades.

The areas of each grade are then measured.

Appendix TK4
ALC Plan Robey's Lane

PAP/2018/0755



**SOILS AND
AGRICULTURAL QUALITY
OF LAND OFF ROBEY'S LANE
NORTH WARWICKSHIRE**

Report 1351/2

2nd January, 2018





**Land
Research**
ASSOCIATES
www.lra.co.uk



Client:  HALLAM LAND MANAGEMENT

Project:
Land off Robey's Lane

Map title:
Map 2
Agricultural Land Classification

KEY	
	Subgrade 3a
	Subgrade 3b
	Non agricultural
	Survey area

Scale: 1:10,000 at A4

Date: 2/01/2018

 **Land Research ASSOCIATES**

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Appendix TK5
ALC Plan Mercia Park Phase 1

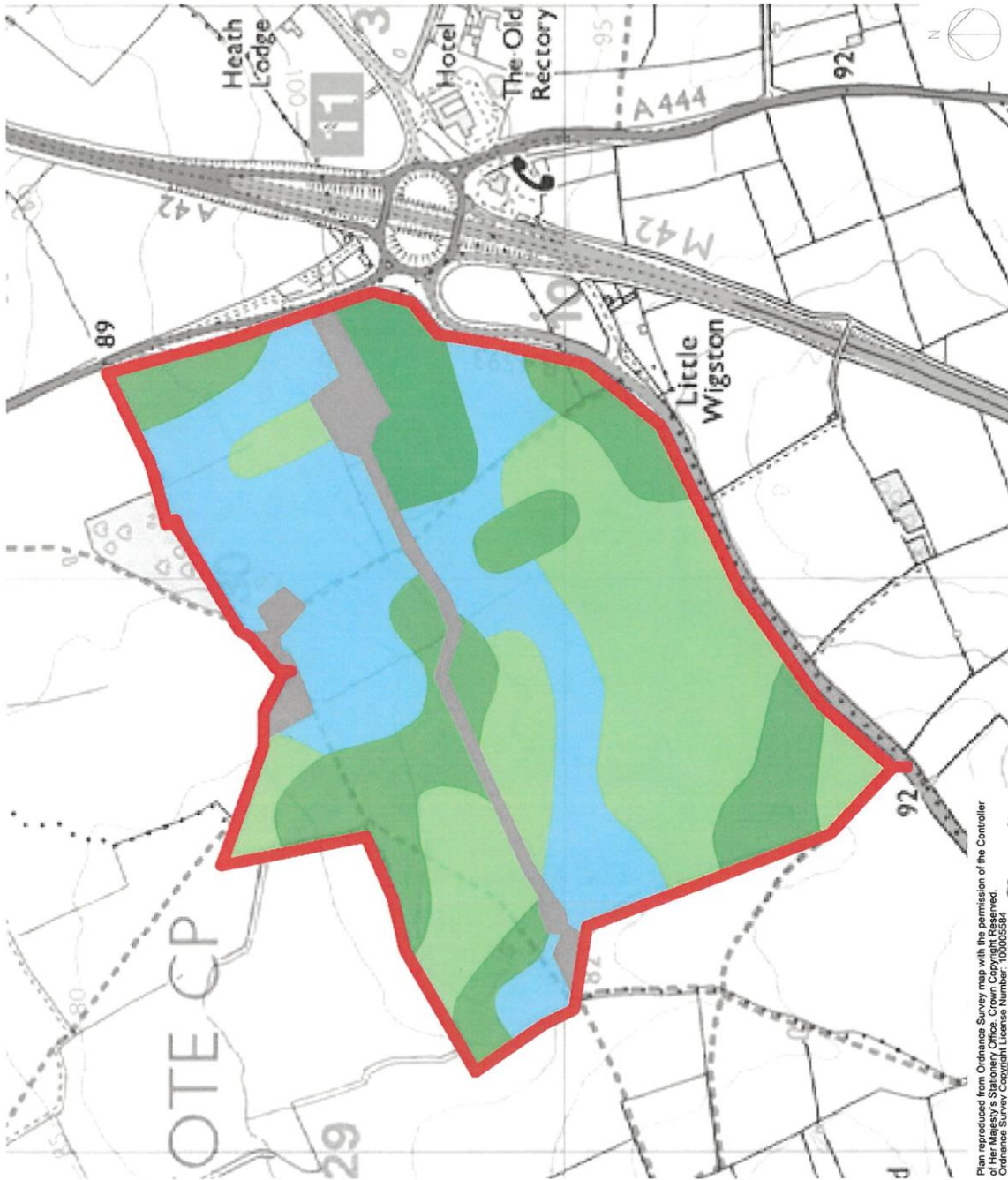


FIGURE 12.1
Observation Map

DRWG No: P17-3026_03 REV: -
Date: 06/06/2018
Scale: 1:10,000 @ A4



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