

NORTH WARWICKSHIRE BOROUGH COUNCIL

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

Appeal by Hodgetts Estates

APPEAL PROPOSAL:

Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g (iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved.

REBUTTAL PROOF OF EVIDENCE OF

Dorothy Barratt

BA (Hons), DUPI, MRTPI

Forward Planning & Economic Development Manager
North Warwickshire Borough Council

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

Council's Reference: PAP/2021/0663

7 June 2024

- 1 This proof of evidence is a rebuttal of the following proofs:
 - CD 31/A by Professor Jim Coleman and Stephen Nicol (I refer to this proof as Professor Coleman's);
 - CD 29/A by Mr Turner; and,
 - CD29/B by Mr Binks.

- 2 It is accepted there is a need both regionally and nationally that has been identified for large strategic employment sites. In North Warwickshire the Local Plan and, in particular, policy LP6 is the policy mechanism which helps to deliver such provision if the need can be found to be immediate or for a certain type of development. This policy is in addition to those sites that had planning permission at the time of the Local Plan adoption or site allocation E4 land south of Horiba MIRA. There will of course be a need to consider the evidence and identify additional employment land to meet the needs for B2/B8/Big Box/Logistics uses. This should come forward as part of the plan led system or as part of a sequential approach considering all sustainable sites to meet a specific need. The majority of the evidence provided by the appellant is concerned with this general, generic need. The question remains as to whether "evidence demonstrates an immediate need for employment land, or a certain type of employment land" that only this application/appeal can meet to justify development in the Strategic Gap. Professor Coleman's proof (CD31/A) refers to the CWHEDNA at para 3.32. He states that this "regional" need can be relatively footloose. I continue therefore to see no need to focus on the Strategic Gap.

Lack of Strategic Employment Sites within North Warwickshire

- 3 It is disappointing that Professor Coleman at paras 3.21 and 3.22 in CD31/A talks about NWBC "not heeding" the large employments sites requirement within the Borough. NWBC has a strong history of both plan-making but also of being pragmatic and permitting developments before Local Plans have been adopted. There are examples of this through the years and these are listed

below in Table 1. This shows that NWBC takes decisive action where there is a clear reason for doing so and where there is an overall benefit to the local community and the Borough as a whole.

- 4 As can be seen from the information provided in Appendix 1 NWBC will, when necessary and where appropriate, accept sites prior to final confirmation in Plans. For example:
- 60 hectares of expansion at Birch Coppice which were highlighted in the Draft RSS. This more than doubled the size of the overall business park at the time.
 - 20 hectares at the former Power Station B site at Hams Hall were being proposed as a renewable energy site in the Site Allocations Plan 2015. It gained planning permission before adoption of the Local Plan so was not included as an employment allocation.
 - 6.8 hectares to southwest of junction 10 of M42.

Number of jobs and Automation

- 5 Professor Coleman recognises that automation will increase. A report by Localis called “The Automation Impact” (CD I58) identifies North Warwickshire as the second most affected local authority in England from automation. Within the proofs there is an estimation of over 2000 jobs (source CD28/A), but now this has reduced to an estimated 1,000 to 1,400 Full-Time Equivalent jobs (CD28/A para 8.5.2). Professor Coleman goes on to state that even if there are less jobs these will generally be more skilled as automation takes over. The economic benefit of the site is difficult to accurately determine therefore if the end user or use is not known.

What is going to be built?

- 6 There is a lack of clarity on the end provision of buildings on the site. At paragraph 3.3 in CD31 Professor Coleman’s proof it is stated the appeal site is to meet a specific need of large scale logistics, but at footnote 1 it states that

the appellant (for example in CD B45) is seeking a flexible permission for B2 and Eg(ii) for units up to 10,000 sq ft. This would indicate that there is no end user identified and is a speculative application.

- 7 If the application is being justified as the only site to meet a requirement for 1 million sq ft or a specific user the planning permission would need, if approved, to be conditioned to this use/size.

Supply of Land and Units

- 8 I would like to draw the Inspector's attention to the supply figures contained in CD29A. These figures are based on supply from sites able to accommodate 1 million sq ft or above of floorspace. As referenced at para 5.15 of CD29A the masterplan shows units of 270-338,000 sq ft 'reflecting demand'. However, if the site is being justified on the basis of immediate need (para 6.22 of CD 29A). this does not follow as they do not show an immediate need for sites able to accommodate a single unit of 1 million sq ft plus truck stop.

End Occupier

- 9 In Mr Binks' proof (CD29B) he indicates that as soon as the development is completed there is an end occupier who will immediately take up some of the units being proposed. If there is an end occupier one would expect that at least one of the units would be a certain size or specification to comply with the requirement of that occupier and effectively be a Build to Suit (BTS) plot. In addition, the proposal is an outline application and not hybrid application which would have indicated an immediate need from a known occupier. I would like to draw the Inspector's attention to an appeal (CD K19) where a known developer swayed in favour of the proposal. At para 13.4 the Inspector states "*Furthermore, in relation to the TJM part of the proposal at least, the benefits would flow early on given the commitment from and need of that company to bring its third national distribution centre on stream as a matter of priority*". At no point during the planning application process has there been any indication of a potential end occupier and who this may be. In addition, there is no

information forthcoming as to why they believe this is the only site that would satisfy their need.

JLR

10 In Mr Binks' summary of proof (CD 29/E) at para 3.8 indicates that North Warwickshire is adversely affecting the business of JLR. I would draw the Inspector's attention to the space that JLR already occupies in North Warwickshire:

- Baddesley Colliery – car storage – 36.33 hectares
- Hams Hall (former Power Station B site) – electric battery manufacture/assembly – circa 8 hectares

Also, to the immediate north of North Warwickshire JLR occupy over 3 m sq ft of the 3.5 m sq ft of space at Mercia Park at Junction 11 of the M42 which lies in North-west Leicestershire, East Midlands.

11 If JLR were looking for additional land in North Warwickshire there is a vacant unit of some 261,147 sq. ft directly adjacent to their current battery plant at Hams Hall being advertised by Cushman and Wakefield at Edison Road, Hams Hall Distribution Park, Coleshill, Birmingham B46 available with immediate occupancy. In addition, as identified in Appendix G of my main proof CD 24/G there are a number of available sites and units available. To assist the Inspector, as hyperlinks were provided in my original proof, I have attached as Appendix 2 the details of each of these sites.

Energy Efficiency

12 Professor Coleman (CD31/A) at para 3.16 talks about the energy efficiency of buildings. It is agreed that this is a requirement of many new occupiers, but this does not mean that this site in this location should be lost permanently to satisfy this requirement. Redevelopment of sites, new builds as well as refurbishments could provide these improvements on any site.

Use of 2020 and 2021 years

- 13 Professor Coleman in CD31/A, Mr Binks in CD29/B and Mr Turner in CD29/A uses years 2020 and 2021 in many of their figures and statistics. For example: Figure 3.2 in CD31/A. Using the years during the pandemic and immediately post covid does not provide a clear picture of needs and demand as this was an unprecedented period. These years saw an increase in online shopping with many online retailers taking space for storage and distribution and high street retailers moving to on-line. 2023, however, shows a reduced need and take up from those two years and early indications for 2024 are that this take up is back to the pre-pandemic figures (para 4.5 of Mr Bink's proof CD29/B).

WMSESS

- 14 I would like to draw the Inspector's attention that in the WMSESS strategic sites are not just for B8 but also for B2 manufacturing. Big Box covers B2 and B8 uses and a mix of both. A Strategic Employment Site is defined in WMSESS (CD 12):

"1.18 As such the following definition has been developed for this Study: "Strategic employment sites over 25ha which could attract nationally or internationally mobile business activity; and

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

It is important to note that these strategic sites will meet the needs of the region and not just a specific area.

- 15 Within the NWLP 2021 there is an allocation of 42 gross hectares, now proposed to be increased to 59 gross hectares, specifically for B2 with an element of Class E g(iii) and ancillary B8. This site is to build on the success and substantial expansion of the Horiba MIRA site to the north of the A5 (Site

number 5 in Appendix G of my proof CD24/A) which is primarily aimed at research and development and small to medium sized units. This site lies in the Borough of Hinckley and Bosworth which technically lies in the East Midlands. This indicates the very close relationship the Borough of North Warwickshire has with the East Midlands being on the boundary of both East and West Midlands.

- 16 The new study is awaited and the information from the latest study will be used as part of the evidence base for the EEDPD (emerging Employment Development Plan Document).
- 17 At paras 1.27/1.28 of CD29A it is wrong to suggest that the WMSESS role is to allocate areas. Area A/2 in the WMSESS 2015 and 2021 (CD I1 and CD I2) as well as any other areas identify where the market has focused activity based on market preferences and availability. The studies do not 'allocate' these areas.

Alternative Sites

- 18 At para 3.38 of Professor Coleman's proof (CD31/A) in the last bullet point it states there are no other sites along the M42 which have any planning certainty. This is not completely accurate as there is a vacant and immediately available unit of over 261,000 sq ft at Hams Hall. Other proposals are being pursued along the M42 corridor including a further 17 hectares as an extension to Mercia Park at Junction 11 M42 by I M Properties; some 10 hectares by St Modwen's at junction 10 M42 through the recent call for sites as well as a further 100 hectares around junction 9 of the M42 and 37 hectares at junction 4 of the M6.

Use of Past Trends and the Local Plan

- 19 Past trends are based purely on what has been delivered in the past and the expectation is that this trend should continue without any reconsideration of the impacts or implications. The WMSESS studies both use past trends. As stated in the WMSESS both 2015 and 2021 studies are policy off and so do not consider the whole of the local plan area but only look at the issue from

the market demand perspective. This is not always the best way to plan for an area as it can lead to overconcentration and reliance on one sector of employment. Also, there may not be the appropriate land available to deliver the need in a particular location. It is the role of local planning authorities to bring all the issues together considering the local circumstances and the local community. The 2006 Core Strategy (CD F14) which stated at para 7.37, "*In addition, MIRA Technology Park, an Enterprise Zone, south along the A5 will be coming on stream within the next year or so. With the development of this site, this changes the local market and provides opportunities to diversify the local economy for different types of employment growth. The Borough Council is keen to exploit these opportunities.*" This was carried forward into the adopted NWLP (CD F1) in para 7.41.

- 20 In addition, as Professor Coleman quotes at para 3.35 (CD31/A) the potential for a greater role for South Warwickshire. If purely based on past trends, then this potential for greater growth would not be considered appropriate. I would draw the Inspector's attention to Appendix D of my proof CD24 A and the SoCG which indicates the golden triangle. This is a broader area today than just the area bordered by the M1, M6 and M42. It stretches from the west of Birmingham, up to Nottingham and down to Northampton.

Strategic Road Network (SRN)

- 21 Quotes have been made about the provision of large employment sites on or close to the SRN. The SRN in North Warwickshire includes the following roads A5; M6; M42; and M6 (Toll). I would like to draw the Inspector's attention to National Highways interpretation of access to the SRN for lorry parking is to be within 5 km (CDXX section 1 second paragraph).

Automotive sector

- 22 Para 4.26 of Professor Coleman's proof (CD31/A) highlights that the automotive industry is very important to North Warwickshire. This is agreed and I would like to reiterate the role of Site Allocation E4 - land south of Horiba MIRA

(Southern Manufacturing Site) in providing opportunities for such industries. A site allocated in the Local Plan and which sits on the SRN.

C and W HEDNA (CD I4)

23 At para 3.3 of Professor Coleman's proof (CD31/A) he talks about the HEDNA and the potential corridors for growth. These are M42/A446, M6, A5, and M45/A45. The M40 is increasingly now seen as another area of opportunity.

24 It is important to note that the HENDNA similar to the WMSESS is policy off.

Tamworth BC

25 NWBC agrees that the Borough sits within two functional market areas of Greater Birmingham and Coventry and Warwickshire. This is accepted in the NWLP and shown through the provision of homes for GBHMA and CWHMA through MWLP policy LP5 (CDF1) as well as the provision of employment land for Tamworth BC. I agree that North Warwickshire is a key employment area for residents of Tamworth as shown in Table 4.1 on page 22 of Professor Coleman's proof. As can be seen from Table 4.2 the North Warwickshire resident data indicates that our residents commute to a number of locations outside of the Borough to jobs.

26 Tamworth BC approached Lichfield DC and NWBC to provide 14 hectares of employment land. This has been delivered through the development of land to the southwest of junction 10 and south-east at St Modwen's site. In addition, it is recognised the development of Birch Coppice and Core 42 close to Tamworth will benefit the adjoining local authority area in terms of more jobs.

27 I would like to add that although Tamworth BC has published an Issues and Options paper in September 2023, they have not approached NWBC under the Duty to Cooperate seeking further employment land to be delivered within North Warwickshire.

Conclusion

- 28 In conclusion, I am still of the opinion that the economic benefit of additional jobs on the appeal site does not outweigh the permanent loss of the land in the Strategic Gap.