

Market Evidence Rebuttal to North
Warwickshire Borough Council Proof
of Evidence Land North East of
Junction 10 M42, Tamworth

Prepared for:

Hodgetts Estates /
HPG Developments

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TABLE OF CONTENTS

1. Introduction	3
2. Rebuttals	4

1. Introduction

- 1.1. This document has been authored by me, David Binks MRICS. I have also provided a proof of evidence to this Appeal (**CD-D29/D**).
- 1.2. It responds where necessary in relation to employment need from a market perspective to the relevant parts of the following proof of evidence:
Ms Dorothy Barratt, North Warwickshire Borough Council (**CD-D24/A**)
- 1.3. It does so by addressing the points raised in the proofs that are considered to be:
 - Factually incorrect; or
 - Use out of date evidence; or
 - Misinterpret law, policy, or evidence.
- 1.4. References to paragraphs in this rebuttal are to the proof of evidence (**CD-24**) unless otherwise stipulated.
- 1.5. At the outset, it is important to state clearly that the original application was supported by a letter dated 2nd December 2021 which stated that the development would be:
 - “Up to 100,000 sqm (1,076,391sqft) of mixed Class B2, Class B8 and Class E(g)(iii) floorspace;” and
 - “Up to a maximum of 10% Class B2 / Class E(g)(iii);”
- 1.6. That letter was thereafter supported by numerous documents including the Planning Statement (CD-B5), Design & Access Statement (CD-B34), Design Guide (CD-B35) and indeed the Environmental Statement upon which the outline scheme was assessed (CD-B1), all of which clearly stated the proposed use classes sought and the split of floorspace between use classes.
- 1.7. Furthermore, the agreed draft planning condition in the Statement of Common Ground between the Appellant and NWBC (CD-D13) dated 26th March 2024, which is retained in the latest draft conditions schedule also makes this clear, as follows:

7. No more than 10% of the total development floorspace or 10,000 square metres (gross), whichever is greater, within the development hereby approved shall be used for a use or uses falling within Use Class E (g) (iii) or Use Class B2 of the Town and Country Planning (Use Classes) Order (as amended).
- 1.8. Therefore, and given scale of the development, - if fully built out - at least 90% of the scheme would need to comprise of B8 use class (storage & distribution). The proposal has always been promoted as predominantly a large scale ‘Big Box’ logistics scheme.
- 1.9. It is in the context of that specific Big Box logistics sector that land supply, demand, and employment need must be considered.

2. Rebuttals – Evidence from Ms Dorothy Barratt, NWBC

Paragraph 4.19

2.1. I refer to paragraph 4.19, extracted below.

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

2.2. Under no circumstances would submitted sites to a “Call for Sites” process be considered by market participants (occupiers, developers, agents) as a meaningful indication of likely future market supply. The timescales are simply too far off, and no independent analysis has been undertaken of their likelihood to come forward. It is not known which, if any of those sites, might ever be proposed for employment allocations, let alone allocations specifically directed at the Big Box logistics sector. These sites cannot be considered to contribute in a meaningful way to forecasted or future supply. There is no certainty whatsoever.

2.3. I also note that question 15 in that call for sites document stated that a timeframe of ‘immediately’ was deemed to be “within 5 years”. See question 15 extracted below.

15. In what time frame will the owner make the site available? *

Immediately (within 5 years)

5-10 years

10+ years

Paragraph 5.9

2.4. I refer to paragraph 5.9, extracted below.

5.9 In respect of immediate need, this would apply to occupiers, who would produce economic growth and productivity, actively seeking a suitable site. In the absence of a suitable vacant unit occupiers would look at pipeline supply and consider completion timescales. It would be unusual for an unconsented or unallocated site to be considered to meet an immediate need. In a strong occupier market developers will speculatively build standard units of a size attractive to the market. In a weaker market developers will progress sites to outline or hybrid stage to minimise delay for potential occupiers. Occupiers are reluctant to commit to schemes which are not sufficiently progressed to provide certainty of completion. That is unless the unit is bespoke or built to suit (BTS) in which case there would be a named occupier.

2.5. Paragraph 5.9 states that immediate need applies to occupiers. This is incorrect. As stated in my colleague Jon Turner's proof of evidence at paragraph 5.7 (CD-D29/A) "*having a named occupier is only one way of demonstrating an immediate demand*" [their emphasis]. This is further evidenced by considering the adopted North-West Leicestershire Local Plan employment land policy EC2 – New Employment Sites which was provided in Figure 4 on page 16 of the Cushman & Wakefield joint appendices to proofs of evidence Appendix 1 – Employment Land Study May 2024 (CD-D29/C) and is extracted again below for ease of reference.

Figure 4: Part 2 of Policy EC2 of the North-West Leicestershire Local Plan

- (2) Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:**
- (a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and**
 - (b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and**
 - (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.**

2.6. Put simply if immediate need applied to having a named occupier secured, then there would have been no necessity whatsoever for North-West Leicestershire to include any reference to demand in that policy for additional employment land.

2.7. I provide further clarification on the misunderstanding stated in the following sentence of paragraph 5.9: "*It would be unusual for an unconsented or unallocated site to be considered to meet an immediate need.*"

- 2.8. The very purpose of LP6 was to allow a mechanism for decision takers to release employment land that met a need within Area A (Area 2) that could not be accommodated by allocations or forecasted supply, both in terms of 'either' a certain type of land not being available, 'or' an immediate need for employment land. Therefore, it is clear and unambiguous that unconsented or unallocated sites are considered appropriate to trigger LP6. To further make this point clear, the supporting text to LP6 in paragraph 7.46 of the Local Plan (**CD-F1**) refers specifically to land within a Strategic Gap and designated Green Belt which (by definition) are unconsented or unallocated land.
- 2.9. Mr Hann explains that Hodgetts / HPG Developments and others objected to the draft Local Plan on the basis that the needs of the logistics sector were not being met and the criteria based approach was the Inspector's specific response to these objections to make the plan sound and to enable applications to come forward on unallocated land. It is therefore misguided to suggest that ordinarily an immediate need or need for a specific sector would not ordinarily be met on an unconsented or unallocated site, when that is the very purpose of LP6.
- 2.10. I provide clarification on a further misunderstanding stated in the following sentence of paragraph 5.9:
"In a strong occupier market developers will speculatively build standard units of a size attractive to the market. In a weaker market developers will progress sites to outline or hybrid stage to minimise delay for potential occupiers."
- 2.11. This statement shows an overly simplistic understanding of the Big Box employment land and development market, and casts serious doubt upon the author's understanding of how the market operates. The Big Box market is complex and has a number of market participants determining decision making including UK based investors, overseas based investors, developers, occupiers, and agents. Speculative development in the UK is funded to a larger extent by external institutions (UK pension funds and private equity, and overseas investors) whether that capital be tied to a particular developer or market facing. Speculative development opportunities achieve successful funding by demonstrating to a funding partner that the demand/supply dynamics in a particular location are attractive. Invariably speculative funders have preference for primary locations (such as the Appeal Site) where specific location has an immediate attractiveness to occupiers. For example, Birch Coppice (located very close to the Appeal Site) was the first location in the whole of the UK to see speculative development in 2013/2014 following the Great Financial Crash of 2008-2010. In primary locations where the demand is exceptionally strong such as the Appeal Site speculative development is currently very much being actively sought by funding institutions. See **Appendix 1** of this rebuttal which provides an example letter of interest from a potential funding partner for the Appeal Site on both a speculative and build to suit basis.
- 2.12. In addition, in relation to the above sentence, I add that in all markets developers progress sites to outline stage. Outline planning consent provides the certainty that occupiers require in both the binary outcome of planning applications but also the timing associated with preparing for and submitting an application. It is simply not the case that progress of sites to outline planning consent is undertaken in a "weaker market" as the sentence suggests. Indeed, outline consents for employment land provide occupiers with flexibility in terms of construction of purpose built facilities. This flexibility is absolutely critical because during the course of a project including from inception, desktop locational analysis, site search, design, and even construction the requirements of an occupier invariably change.
- 2.13. The need to get to this stage in the process to reduce planning uncertainty could not be better exemplified than the progress of this application which was submitted in December 2021 and yet it is only in the last few weeks that highways matters have been resolved to the satisfaction of National Highways.
- 2.14. I provide clarification on a further misunderstanding stated in the following sentence of paragraph 5.9:
"Occupiers are reluctant to commit to schemes which are not sufficiently progressed to provide certainty of completion. That is unless the unit is bespoke or built to suit (BTS) in which case there would be a named occupier."

- 2.15. As stated in paragraph 5.6 and 5.7 of my proof of evidence (**CD-D29/B**), occupiers focus on development proposals where speed of delivery and risk are reduced, typically seeking delivery within a 2 year time period. The development community is aware of this risk and where a local authority has not actively promoted allocations to meet the needs of this sector (as has happened here), a common response is to achieve planning consent (in outline) and prepare serviced plots ready to build. In that respect I agree with the first sentence in that **“occupiers are reluctant to commit to schemes which are not sufficiently progressed to provide certainty of completion.”** It is very much on that basis that outline consent at a site is invariably required to secure a build to suit occupier specific requirement.
- 2.16. In this case the Appellant has in fact been in detailed talks with a number of different potential occupiers and is at an advanced stage with one who is likely to occupy much of the Appeal Site by land area. The details of these discussions are confidential, however, the fact that there is such intense market interest itself is evidence of the woeful level of land supply for large scale Big Box logistics regionally and sub regionally (Area A/2).
- 2.17. However, it is just wrong to suggest that occupiers with build to suit requirements will be prepared to be tied to a development scheme for an uncertain period and uncertain outcome whilst planning consent is achieved. Indeed, for the reasons detailed above, occupiers’ invariably require flexibility as their requirements change over the significant period of time it takes to prepare, submit, and receive determination of a planning application.
- 2.18. Excellent recent examples of take up taking place include at the now fully developed East Midlands Gateway where 200 acres was prepared for development and build to suit take up included deals for 685,000 sqft for Maersk, 670,000 sqft for DHL and also at East Midlands Airport where UPS took 1.2 million sq ft. More local examples of occupiers taking build to suit space on serviced land parcels include the Ocado 700,000 sqft and Euro Car Parts 778,000 sqft deals at Birch Coppice, both of which NWBC are aware of having been the Local Planning Authority in receipt of and having determined the planning application. In none of those deals was an occupier present at the point of outline consent and they only signed up to each scheme once serviced development plots had been created on land with outline consent – all of which were rapidly developed following grant of permission.

Paragraph 5.10

- 2.19. I refer to paragraph 5.10, extracted below.

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

- 2.20. Whilst this statement is true in relation to current ongoing discussions that the developer is having with occupiers in relation to the Appeal Site, a meeting was held with a planning officer and member of the planning and development board at the Council’s offices in Atherstone in February 2019 regarding a specific occupier interest. It is also true that very often occupiers require developers to enter into Non-Disclosure Agreements in relation to ongoing discussions to protect the commercially sensitive nature of their interest. It is also the case that despite there not being a ‘named’ occupier, I am aware of several specific ongoing (one since 2020/21) discussions that the developer is having in relation to the scheme – see paragraph 4.38 of my proof of evidence (**CD-D29/B**) and also a letter of clarification to Jim Coleman of WSP dated 30th May 2024 at **Appendix 2** of this rebuttal.

Paragraph 5.11

2.21. I refer to paragraph 5.11, extracted below.

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

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

2.22. I refer the Inspector to the occupier development programme provided at Appendix 3 of the Joint Appendices to the Cushman & Wakefield proof of evidence, (page 139 in **CD-D29/C**) which shows an early access date for occupier fit-out works of 6th April 2026 and a practical completion of base build works of 14th May 2026.

2.23. Furthermore, the table in paragraph 5.11 indicates 18 months between commencement on site and practical completion. This is an over estimation of the time scales to deliver such a scheme. Typically, we might expect a 12-month time period to deliver site preparation and vertical build of the scale proposed.

Paragraphs 5.12 & 5.20

2.24. I refer to paragraphs 5.12, and the table in paragraph 5.20, extracted below.

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

5.20 Overall, the schedule shows,

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

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

2.25. Appendix G (**CD-D24/B**) is misleading, unhelpful in the pursuit of establishing the extent of need, and not relevant to this Appeal whatsoever. Policy LP6 is clear and unambiguous in that it relates specifically and solely to employment land need in Area A (Area 2).

2.26. However, solely for reasons of completeness, I have reviewed Appendix G and provide my analysis at **Appendix 3** to this rebuttal and make the following comments:

- There are pure mathematical calculation errors in respect the land referred to in the table on page 5 of Appendix G as “*Allocated*”. Using the figures provided for “*Allocated*” land equates to a sum of 14,589,395 sq ft and not the figure of 21,013,691 sq ft presented in the table above. As detailed below, when qualitative analysis is applied this figure reduces to 150,000 sqft being relevant to this Appeal.
- There has been no qualitative analysis of supply in conflict with planning practice guidance paragraphs 2a-029 and 2a-032.
- There is repetition of a number of the sites. Repetition includes references 1 & 49, 3 & 50, 4 & 54, 5 & 25, 8 & 47, 11 & 46, 13 & 51, 17 & 53, 19 & 74, 20 & 52, 24 & 58, and 2 & 55.
- It includes in its “*Total Developable Land Yet to be Built Out*” land for mixed uses such as residential, leisure, retail, and small employment uses such as care homes and convenience stores.

Sites referred to as “*Allocated*”

- **Quantitatively**, our analysis shows that of the land referred to as “*Allocated*” the correct figure is neither 21,013,691 sq ft, nor 14,589,395 sq ft but in fact 5,672,547 sq ft. That sum does not include any qualitative analysis such as application of use class, deliverability, suitability, understanding of functional market areas, or indeed application to LP6 itself. **Qualitatively**, our analysis shows that of the sites listed as “*Allocated*” only REF 61 – Land to the West of Birch Coppice is located within Area A and Area 2, and potentially suitable for large scale B8, albeit having considered this North Warwickshire Local Plan E2 allocation in my proof of evidence in paragraph 4.25 (**CD-D29/D**) I have assessed that it is only capable of accommodating a maximum 3 to 3.5 hectares of net developable land suitable for c.150,000 sq ft total floor area and I believe it is most likely to come forward as a multi-unit mid-box scheme (sub 100,000 sqft units).

Sites referred to as “*With Planning Permission*”

- **Quantitatively**, our analysis shows that of the land referred to as “*With Planning Permission*” the correct figure is not 20,753,764 sq ft but 15,667,333 sq ft. This reduced sum includes uses across all Use Classes and does not take any account of the current status of the land (i.e. serviced, phasing timings). For example, NWBC list i54 of 4,408,272 sqft as “*With Planning Permission*” however take up has occurred at that site leaving just 25 acres available for Big Box development, equating to approximately 435,507 sq ft using their 40% density ratio.
- **Qualitatively**, our analysis shows that of the sites listed as “*With Planning Permission*” only the Peddimore site REF 54 is within Area A and Area 2 and capable of accommodating up to 550,000 sq ft of Big Box logistics.

2.27. The table in paragraph 5.20, is therefore revised as follows in relevance to LP6 – Additional Employment **Land** and this Appeal:

Status	Location	Employment Land (expressed in possible sqft floorspace)
“ <i>With Planning Permission</i> ”	Area A & 2	Total of 550,000 sqft for B8 logistics over 4 plots; and 1.1m sq ft for B2 manufacturing use (understood to be under offer to single manufacturing occupier) Totalling 1.65m at Peddimore REF54
“ <i>Application Submitted</i> ”	Area A & 2	0 (zero)

"Allocated"	Area A & 2	150,000 sqft (most likely to be small mid-box scheme)
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2.28. Finally, it is worth pointing out that the employment land supply at Peddimore for B8 logistics is split over several plots as detailed in paragraph 5.21 of Ms Barratt's proof. Of the 550,000 sqft of land supply, 180,500 sqft is in a separate part of the business park to the remaining land supply of 151,750 sqft, 145,500 sqft, and 70,000 sqft and so cannot be joined. Were the 3 plots that are in proximity able to be joined to create a single plot I estimate that it would only be capable of delivering a building of approximately 325,000-350,000 sqft (rather than 3 totalling 367,250 sqft, meaning that there is only serviced land capable of delivering a potential maximum building size of 325,000-350,000 sqft within Area A or Area 2 (this is of course assuming that site constraints at Peddimore are not preventing the plots from being conjoined, and that is the reason they have been split in the current scheme's masterplan). See **Appendix 4** for an annotated Peddimore masterplan.

Paragraphs 5.21 and 5.22

2.29. I refer to paragraphs 5.21 and 5.22, extracted below, and make specific reference to sites within Appendix G. These sites A) to D) have been specifically selected by Ms Barratt from Appendix G of the proof of evidence for particular attention. They are analysed in turn below.

5.21 This includes within Area 2;

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

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

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

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

- 2.30. In relation to paragraph 5.21 A) Peddimore, plots in Zone A refer to land consented for B8 logistics use and plots in Zone B are restricted to B2 manufacturing use only. Zone B is land owned by Birmingham City Council and it is understood that it is, in its entirety, is under offer to a manufacturer, having been marketed to raise funds for the City Council. A masterplan showing the split nature of the plots is provided in **Appendix 4**. This single site accounts for the entirety of the 3 to 3.5 months' land supply in the subregion (Area A and/or Area 2).
- 2.31. In relation to paragraph 5.21 B), this site in Solihull was allocated in 2013 and has now been developed for a mix of uses including residential and care homes. There is no large-scale Big Box development at this site. A Google Earth image of the site is provided at **Appendix 4** of this rebuttal which shows the two developed care homes to the northwest and the extensive residential development to the south and east. This site is irrelevant to this Appeal and we are unsure as to why it was specifically included for consideration in paragraph 5.21.
- 2.32. In relation to paragraph 5.21 C), plans for Rail Central were submitted in September 2018 and subsequently withdrawn in October 2019 by promoters Ashfield Land and GLP. I understand that this project has not been taken forward since the application was withdrawn in 2019. This is corroborated by clicking on the link provided in the proof of evidence at Appendix G site REF 45. On the 'news' section of that website, an article dated 17th August 2021 confirms that the project has been paused. See link [Ashfield Land and GLP pause Rail Central](#), and **Appendix 4** of this Rebuttal. It is also not within Area A or Area 2. Therefore, this site is also irrelevant to this Appeal and again we are unsure as to why it was specifically included for consideration in paragraph 5.21.

5.22 Additionally, in North Warwickshire:

- D) Land to the south of MIRA Technology Park / MIRA (identified as sites 25 and 59 on map in Appendix G) - E4 allocation of 145 acres / 58.7 ha / 2,298,114 sq.ft. / 213,500 m.sq. where an application has been submitted and the Borough Council has taken the decision to approve subject to National Highways withdrawal of their objection and to the signing of the S106. This is in addition to the 6,316,200 sq ft being delivered on the northern MIRA site.
- 2.33. MIRA South site is a research and development and manufacturing scheme seeking to take advantage of its proximity to the Motor Industry Research Association ("MIRA") facility to its north. The site was allocated as under reference E4 in the North Warwickshire Local Plan on page 96 (**CD-F1**). As can be seen from the E4 allocation and supporting text, NWBC see this as an opportunity to broaden its employment base. The E4 allocation clearly states that:

"B8 (warehousing & distribution) will not be permitted unless it is ancillary to the main use".

2.34. The site was allocated as 42 hectares of employment land in the Local Plan. The resolution to grant of 5th February 2024 (subject to highways and s.106) from North Warwickshire Planning & Development Board (P&D) was on a gross site area of 58.7 hectares. In the board report from the NWBC planning officer it was made clear that this increased area was due to the need to accommodate site infrastructure and the diversion of the A444 public highway, referred to as “*essentially a highways matter*” (**Appendix 5 of this rebuttal, page 34, paragraph 4.4**). It is also confirmed in that same P&D report that the application provides a developable area of 39 hectares (**Appendix 5 of this rebuttal, page 34 & 35, paragraph 4.5**), and not the full 42 hectares assumed by the Local Plan allocation. In short, the gross area has increased but the net developable has reduced by 3 hectares from that envisaged by the Local Plan.

2.35. Finally, the board report for the P&D Board stated in paragraph 4.12 (**see Appendix 5 to this rebuttal**) the following:

i) The Proposed Uses

4.12 The Policy firstly sets out the employment uses that are to be included in the allocation. In light of the content of Policy E11 indicating the objective of broadening the Borough’s employment base and the significance of the established neighbouring MIRA Technology Park and Enterprise Zone, the allocated land is proposed for B2 General Industrial Use as well as for Research and Development use under Use Class E(g)(ii). The policy particularly defines any B8 uses to be ancillary to these named Uses. The application has been submitted as such and the applicant has agreed to the inclusion of planning conditions to achieve this outcome.

2.36. In employment land supply terms MIRA can only therefore be considered by its ability to deliver B2 and E(g) (iii) Use Classes. Given the minimum 90% B8 logistics Use Class proposed at the Appeal Site, this Land to the South of MIRA is also not considered relevant, and we are unsure as to why it was specifically included for consideration in paragraph 5.21. Even more importantly, it is also not within Area A or Area 2.

Paragraph 5.25

5.25 In order to accelerate delivery in strong markets developers will usually make a hybrid application including details for earlier phases of proposals. This can accelerate delivery of speculative units to meet early or immediate needs. The application is purely for outline consent to develop either B2 or B8 uses. Clearly there is no specific occupier in mind. Applying for such a broad range of uses adds complications and delays as parking requirements and traffic generation differs markedly between B2 and B8 uses.

2.37. To refrain from repeating the points made already in this rebuttal, I would encourage the Inspector to consider the comments already provided in this proof including the condition attached to the Appeal proposals in relation to the points raised in paragraph 5.25. That condition requires a minimum of 90% of the development by floor space to be delivered for B8 (storage & distribution). It is a targeted B8 Use Class application, which befits its location. I understand Mr Hann makes this point in more depth in his evidence. See response to paragraph 5.9 above.

Paragraph 5.16

2.38. I refer to paragraphs 5.16, extracted below.

5.16 The take up of space has slowed considerably from the highpoint of 2021 and the combined effects of Covid and Brexit. As a general guide Savills consider a vacancy rate of 8% to be the balancing point where rents are stable and where the market will seek to be. During 2021 some parts of the country, like the Golden Triangle got to levels of 1%, or three months, supply of vacant floorspace. It could be said that where North Warwickshire in that position now there would be an immediate need for additional employment land to be permitted or allocated. That is no longer the case with the UK average being around 4% vacancy, although some areas are lower. The Appellant's evidence points to vacancy levels of 4-5% (source CD A13 para 6.15, Employment Land Needs Assessment), which is below the balancing point but still providing head room for potential occupiers needing to locate within the area.

2.39. Taking each sentence in turn:

“The take up of space has slowed considerably from the highpoint of 2021 and the combined effects of Covid and Brexit.”

2.40. As acknowledged in my proof of evidence (CD-D29/D) and the accompanying Appendix 1 - Cushman & Wakefield Employment Land Study May 2024 (“C&WELS”) (CD-D29/C), demand has tempered since the effects of lockdowns during the Covid Pandemic and has now returned to being around pre-Covid levels, which themselves pre-Covid (and like presently), were considered strong markets. This is largely corroborated by the evidence from NWBC in the annual market report from Savills (CD-D24/H) and JLL (CD-D24/i) which state that take up is 12% and 2.38% above pre-Covid levels, respectively. The important point of clarification is that in spite of the political shocks, macro-economic environment, failed Kwazi Kwarteng budget, and the ongoing war in Ukraine, the market has since stabilised and performed very well. Furthermore, looking forward there has been a notable return of major occupiers, who were absent in 2023, again taking space at scale in 1H 2024. As I stated in my proof, it would be wholly wrong to conclude that the reduction in take up is a continuing trend. Indeed, new key market trends have come out of the 2020-22 period including the now generalised intense focus on decarbonisation, increased automation, and subsequently the specific demand for modern Grade A/Net Zero Carbon premises.

“As a general guide Savills consider a vacancy rate of 8% to be the balancing point where rents are stable and where the market will seek to be.”

- 2.41. Firstly, there is a very important distinction to make in relation to vacancy rates and LP6. That being, LP6 relates specifically to employment **land** need and not employment buildings need. As stated in my proof of evidence, in addition to occupiers who can focus on existing buildings (now primarily being on Grade A stock), some occupiers have specific operational requirements that will not allow them to occupy a standard type building layout. Those occupiers need employment land to be available and serviced in order that their specific or 'bespoke' building layout can be constructed to meet their specific operational requirements.
- 2.42. However, in the interests of completeness and clarification, analysis on interpretation of vacancy rates is provided below. As noted in the C&W ELS (**CD-D29/C**) paragraph 3.24 on page 22, Savills and the British Property Federation released a report titled *Levelling Up – The Logic of Logistics in April 2022*. Research undertaken for that report assessed that the market equilibrium level, where supply and demand are broadly in balance and rents are more stable, is around 8% availability.
- 2.43. In the evidence provided by North Warwickshire, only the CBRE (**CD-D24/J**) document provides a breakdown on vacancy rates for the West Midlands, stating that the vacancy rate is currently 4.8%. It does not provide a breakdown of vacancy rates for Area A or Area 2 – the specific focus of LP6. The only comprehensive evidence base for current market data specifically focused on Area A & Area 2 is the Cushman & Wakefield Employment Land Study May 2024 (**CD-D29/C**), which my proof of evidence recommended should be read in full.
- 2.44. Finally, just to note that a vacancy rate is a quantitative analysis metric. That quantitative vacancy rate also needs to be considered in the context quality of availability. For example, if all of the vacancy is within poor unmarketable older stock the 'true' vacancy rate for lettable premises will be 0%. Also, general market vacancy rate does not provide any analysis of size ranges. For example, our evidence in Figure 44 on page 90 of the Cushman & Wakefield Employment Land Study May 2024 (**CD-29/C**) shows that there are no buildings available above 370,000 sqft for Area A or Area 2 – the vacancy rate for buildings above that scale is therefore 0%. Moreover, the land supply for Big Box logistics in Figure 43 on page 89 of our Study (**CD-29/C**) shows that there is only 1 site where land is available for Big Box logistics in Area A and/or Area 2, and the masterplan for that scheme - Peddimore - shows a maximum single building size of 180,000 sqft to be developable.
- 2.45. Put simply therefore, in Area A and/or Area 2, there is 0% vacancy rate on buildings above 370,000 sqft, with only 1 being available at 370,000 sq ft, and there is 0 years' land supply to accommodate a building greater than 180,000 sqft. This is in the light of the evidence pointing to increasing size of buildings required by the logistics sector.

“During 2021 some parts of the country, like the Golden Triangle got to levels of 1%, or three months, supply of vacant floorspace. It could be said that where North Warwickshire in that position now there would be an immediate need for additional employment land to be permitted or allocated.”

- 2.46. This sentence demonstrates a misunderstanding of the employment land market for which the Appeal Site is proposed, with no qualitative assessment undertaken and a lack of understanding of how employment land for development of scale is delivered.
- 2.47. As stated above, the vacancy rate is a quantitative market signal, in that it does not assess quality of stock. Grade C stock is increasingly becoming redundant and is widely expected to disappear from the market, through redevelopment or repurposing over the next few years. In part this is due to increasing building regulations and minimum energy efficiency standards (MEES) but also because of occupiers drive to net zero carbon. In short order that will disappear from 'available' buildings' supply, and hence vacancy rate. Grade B stock falls into a similar position, albeit it's 'shelf life' is potentially longer, extended by potential refurbishment. Vacancy rates in Grade A stock tends to be driven by speculative development, refurbished buildings, or instances where previously let stock is returned to the market.
- 2.48. Policy LP6 – 'Additional Employment Land' concerns employment **land** in any case. In terms of delivery of employment land, my proof of evidence makes clear that the timescales involved in submitting a planning application and achieving a successful outcome is measured in years. For example, from pre-submission to Appeal, the 'planning' portion of delivery will have taken almost 4 years. On any site, once planning consent is received, there is invariably then a further lengthy period during which infrastructure is implemented (both onsite and offsite) in order that serviced development plots can be provided to meet market/immediate demand. As my proof of evidence points out, compared to the delivery of other similar sites of scale, the Appeal Site benefits from a small amount of offsite and onsite works and so in market terms can be delivered very quickly. However, the sentence above suggests that only when there is a 1% vacancy rate for **all** constructed buildings in a market area (vacancy rate having not been assessed qualitatively) or 3 months' supply of vacant floorspace across **all** qualities and sizes of vacant floorspace would there then be an immediate need for additional employment land. That is not an approach that allows a functioning market, and may explain why there has been 0 years' land supply for large scale logistics in North Warwickshire since 2021/2022.
- 2.49. Another important point is consideration of the length of time it takes for additional employment land to be promoted through the planning system and thereafter to become even serviced plots let alone buildings, so using Ms Barratt's logic, there would have to be a number of years of no supply until such time as the planning system could catch up and the infrastructure thereafter implemented on those sites.
- 2.50. A final point for consideration, is that as stated in Ms Barratt's proof of evidence, the 2021 peak of take up saw national and local take up volumes rise and vacancy rates fall. Using the author's logic, those market signals (as evidenced by completions in NWBC's own Annual Monitoring Reports which showed large scale B8 logistics completions of 20 hectares in 2020/21 and 42.79 hectares 2021/22 totalling 62.70 hectares during 2020-2022 'Covid period') should have indicated to NWBC **at that point in time** that more employment land for Big Box B8 logistics was required immediately. This did not happen.

Paragraphs 5.31, 5.32, 5.33, 5.34

- 2.51. In paragraphs 5.31 to 5.34, discussion is provided on the "unique" nature of the Appeal Site. Paragraph 5.31 provides a list taken from the JLL Employment Land Statement (**CD-A12**) which accompanied the original submission. Paragraph 5.31 misquotes and misunderstands the point being made in the JLL Employment Land Study, which is actually that when all of those characteristics are taken in combination then the Appeal Site enjoys an "*almost unique combination of advantages.*" See paragraph 5.23 on page 64 from the JLL Employment Land Statement (**CD-A12**) set out below for ease of reference.

5.23. In market terms, the Site enjoys an almost unique combination of advantages for this area. These include:

-

- A location directly to the north east of junction 10 of the M42 in a logistics hotspot in the West Midlands.
- Direct access to the A5, a key growth corridor and strategic east-west route which serves major ports for UK trade and industry.
- Clear and easy access to BIFT and other rail freight interchanges along the M42.
- Accessibility to the principal settlements of the area, giving good reach to local labour supply, but sufficiently distant to allow 24-hour operations without an adverse effect upon residential amenity.
- A close and complementary relationship to existing industrial and distribution property in the area (e.g. Tamworth Logistics Park, Centurion Park and Birch Coppice).
- Significant scale to accommodate very large floor plate buildings up to 1 million sq. ft.
- Well located to meet the needs of Tamworth, particularly for local SMEs.
- A regular shaped and flat site.
- The land is in the full control of a competent and experienced developer of industrial and distribution property (namely Hodgetts Estates).

2.52. In terms of individual characteristics that are genuinely unique to Appeal Site, I specifically list the following (there may be others):

- It is located on the only M42 motorway junction within Area A and Area 2 which is outside of the Green Belt (see Figure 10 & 11 on page 33 and 34 of C&WELS (**CD-D29/C**); or
- It is located at the only trunkroad/motorway intersection within Area A and Area 2 which is outside of the Green Belt. Trunk roads are designated by National Highways as being part of the Strategic Road Network and are nationally significant roads used for the distribution of goods and services, i.e. freight: or
- It is located on the last remaining undeveloped quadrant of the key nodal point of the J10 M42/A5 trunk road intersection that can deliver buildings of scale.

Paragraph 5.36

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

- 2.53. This is a completely incorrect view of how the market functions. For example, Birch Coppice is considered a single site with multiple users as is Tamworth Logistics Park and Core 42, all within NWBC's administrative area. The history of Big Box development certainly over my career spanning 30 years shows that in this location specifically (but also regionally and nationally) the exact opposite has occurred, i.e. one large development scheme with multiple users. Providing a variety of potential size ranges on a site (or in a particular Big Box location) enhances development viability, it brings benefits of co-location for occupiers, and provides scope for occupiers to grow in the same location. One example of this in proximity is the occupier HiB moving from a c. 30,000 sqft building to a c. 75,000 sqft at Birch Coppice following expansion, allowing an efficient and seamless transition for their business operations. From market perspective, paragraph 5.36 is both a counterfactual and completely illogical statement.

Appendix 1



ORIGINAL URBAN THINKING

ERGO UK REAL ESTATE LLP
WILSON'S CORNER
23-25 WILSON'S STREET
LONDON
EC2M 3DD

ERGO-RE.COM

8 April 2024

Edward Hodgetts
HPG Developments

Dear Edward,

Following our conversation Friday 5 April please find this letter as confirmation of our interest to explore a funding structure with HPG Developments to deliver the site at Junction 10 M42.

Ergo Real Estate & Track Record

Ergo Real Estate is an Asset, Development & Investment Management Company, founded by Martin Jepson FRICS in November 2018.

Ergo has a national track record of developing industrial and logistics, having delivered over 2.175m sq ft in the past three years.

Recent schemes include:

- Axis J9, Bicester, 200,385 sq ft 5 unit scheme funding Albion Land, PC achieved Q3 2020
- Orion One & Two, Markham Vale, 2 unit scheme funding Henry Boot, PC achieved Q2 2021
- Ergo 352 Fradley, Lichfield 352,812 sq ft single unit scheme, funding Prologis PC achieved Q2 2022
- Ergo Middlewich, 222,743 sq ft, 3 unit scheme funding Total Developments, PC achieved Q2 2022
- Ergo Park, Sheffield, 191,500 sq ft, 4 unit scheme funding Total Developments, PC achieved Q4 2022
- Oldham 367, 367,163 sq ft single unit scheme funding Rula Developments, PC achieved Q3 2022
- Prime Point, Stafford, 143,373 sq ft 2 unit scheme funding Seddons, PC achieved Q4 2022
- Novus Point, Lyvedale 331,800 single unit scheme funding Peveril Securities, PC achieved Q2 2023
- Unity Doncaster, 191,000 single unit scheme funding Hargreaves Land, PC achieved Q4 2023

References can be provided for all the above.

Land NE Junction 10 M42 & Funding Structure

As discussed, we are currently looking at our future pipeline; identifying opportunities nationally both through existing relationships and seeking to work with new partners. The majority of schemes delivered have been undertaken through Forward Funding agreements under Aver Property, at a capped Total Maximum Commitment. Should this be of interest for HPG Development we would envisage the site being delivered with the following structure:

Agreed Purchase Contract would be conditional on the granting of a detailed and implementable planning consent alongside the completion of a Development Agreement between HPG Development and Ergo Real Estate.



Upon contracts becoming unconditional, Ergo would acquire the land at an agreed purchase price and simultaneously reimburse the vendor for all relevant development costs incurred to date. Following purchase Ergo would fund all development costs to Practical Completion including relevant professional and development management fees payable to HPG. Funding would be paid monthly upon production of valid employer's agent cost certificates.

Upon practical completion the purchaser will make a balancing payment to the developer to an agreed maximum commitment.

Please note, whilst this has been a route through to practical completion which has worked well, we are open to other strategies in which Ergo & HPG Development might be more aligned with the delivery and performance of the site.

Funding Sources

Aver Property Ltd Partnership is a Joint Venture between Ergo Real Estate and NFU Mutual Insurance Society Limited. The Joint Venture was formed in 2018 with the fund seeking to invest in opportunistic and value add properties across the UK. Whilst the fund is sector agnostic, of the c.£300m AUM, 74% is made up of industrial properties.

The National Farmers Union Mutual Insurance Society, founded in 1910 is a UK registered mutual insurance composite with £20.8 BN total funds under management. NFU Mutual Property invests in three joint venture vehicles, of which Aver is the largest one, to provide exposure to development, opportunistic assets, and the debt market. Aver Property is listed on the MSCI UK Property Index, and more information can be found on the Ergo website at <https://www.ergo-re.com/partners>

Outside of Aver Property, Ergo has other existing industrial mandates, which dependent on structure and timing may also be appropriate to explore with HPG. [REDACTED] & I would welcome the chance to sit down with you and your team to understand how a potential structure could be agreed at Junction 10.

Should you have any queries or clarification please contact either me [REDACTED] or [REDACTED] directly.

We look forward to hearing from you.

Yours Sincerely,

Investment Director

cc: David Hodgetts - HPG Developments
[REDACTED] – Ergo Real Estate

Appendix 2



Mr J Coleman
WSP House
70 Chancery Lane
London
WC2A 1AF

30th May 2024

Dear Jim

Re. Land North-East Junction 10 M42 – Market Interest

As you know, HPG Developments undertake the development process on behalf of Hodgetts Estates, developing high specification industrial, logistics, and commercial property with a focus on strategic locations within the Midlands. You may find more information on HPG Developments at our website www.hpgdevelopments.co.uk. The website includes information on the following projects which are either completed or still actively being pursued by HPG Developments:

- Core 42 Tamworth, a 680,000 sq ft logistics and industrial development close to J10 M42. Completed units and occupiers include Maersk (345,414 sqft), Greencore (160,500 sqft), Bond Intl. (105,000 sqft), Alpi UK (32,500 sqft), Marshalls (25,500 sqft), NDI (14,500 sqft). A small development plot (c.0.25 hectares) remains, for which an application has been submitted for a 10,000 sqft unit.
- Promotion of approximately 14 acres for a logistics scheme within the West Midlands.
- Purchase and promotion of a 24 acres brownfield site (former coal mine) in the East Midlands.
- Purchase and regeneration site of 1.73 acres in the East Midlands.

There are also a number of projects HPG Developments are working on across the West and East Midlands for which information has not yet been released to the market including a smaller scheme in Tamworth in Staffordshire and one close to Castle Donnington in Leicestershire.

Land NE Junction 10 M42

Following our discussion, I set out HPG Development's position in relation to occupier discussions on the Appeal Site at Land NE Junction 10 M42 near Tamworth. Information on this matter can be found in David Binks MRICS' proof of evidence as submitted on 29th May 2024 to the planning inspectorate.

In addition to David's proof of evidence, I would add the following:

HPG Developments is having a number of discussions with occupiers in relation to the Appeal Site. These include a specific ongoing commercial discussion that has been ongoing since 2020/2021 with a logistics user for a 20+years lease term for an 'bespoke' facility which would equate to a building of approximately 330,000 sq ft of maximum 12m in height. That specific requirement could not be accommodated by any speculative buildings due to its specific layout and design and can only be accommodated by consented available land. All of the discussions ongoing are commercially sensitive in nature. If planning consent is achieved these discussions are very likely to result in an immediate



take up of land. However if all of those discussions do not result in an occupier being secured (which is unlikely given the scale and long standing nature of discussions) then HPG's intention is to speculatively develop buildings on the scheme to capture the immediate and suppressed demand.

Discussions have also been undertaken with funding partners on the basis of speculative and built to suit development. Separately to this letter, I have also provided you with evidence of correspondence with institutional funding partners. Again, the nature of those discussions are commercially sensitive.

I trust this provides you with the necessary information and current position in relation to interest on Land NE Junction 10 M42, for which large scale logistics and industrial buildings are proposed.

With kind regards

A handwritten signature in black ink that reads 'E Hodgetts'.

Edward Hodgetts

Development & Delivery Director

cc. David Binks, Cushman & Wakefield

Appendix 3

Quantitative & Qualitative Analysis of Appendix G

As referred to by Appendix G by Dorothy Barratt of NWBC					C&W Notes	C&W Quantitative Analysis	C&W Initial Qualitative Analysis		
Site Ref.	Site Name	NWBC Categorisation	Total Land Yet to be built out	NWBC Assumed Floorspace (sqft)	Notes	C&W Land Yet to be built out for Big Box (B2 & B8) (sqft)	Area A	Area 2	Land for large scale B8 in Area A / 2 i.e relvant to LP6
"Current Sites, including Approved or Under Construction"									
1	East Midlands Gateway	230			Fully developed - also referred to be below again in REF49	0	NO	NO	NO
3	I54, J2, M54	98			See REF 50 below. 25 acres BB only	See REF 50	NO	NO	NO
4	Peddimore, Minworth	71			See REF 54 below	See REF 54	YES	YES	550,000
5	MIRA & MIRA Enterprise Zone	350			Research & Development focus. Enterprise Zone		NO	NO	NO
7	Ansty Park	40			Referred to below twice - see REFS 43 & 48	See REF 43 & 48	NO	NO	NO
8	Magna Park Extension	220			Referred to below see REF 47		NO	NO	NO
9	Friargate Coventry	15			Very much a mixed use development for residential, retail, office, leisure in centre of Coventry	0	NO	NO	NO
10	Coventry & Warwickshire Gateway, Bagington	124			Fully developed or reserve for Gigafactory	Not Applicable	NO	NO	NO
11	DIRFT 3 Under Construction	345			See REF 46 below		NO	NO	NO
13	G Park Ashby	34			See Ref 51 below		NO	NO	NO
16	Northampton Gateway	185			Fully developed	Not Applicable	NO	NO	NO
17	Worcester Six Phase 1A & 1B	34			See REF 53 below		NO	NO	NO
18	Redditch Eastern Gateway	32			See REF 18 below		NO	YES	NO
19	Mountpark Bardon Phase II	29			See REF 74 below		NO	NO	NO
20	Infinity Park Derby	40			See REF 52 below		NO	NO	NO
21	Midway (Panattoni Park), J16 M1 Weedon Road	55			Fully developed		NO	NO	NO
22	Hilltop Farm JLR J11 M42	97			Full developed		NO	NO	NO
23	Land East J1 M69	54					NO	NO	NO
26	St Modwen Park Tamworth	20			Fully developed		YES	YES	NO
27	Birch Coppice & Core 42, A5 Dordon	162			Fully developed		YES	YES	NO
29	Prologis Park Ryton	56			Fully developed		NO	NO	NO
30	Hams Hall	220			Fully developed	Not applicable	YES	YES	NO

550,000**

**This sum is included in REF54 below aswell

As referred to by Appendix G by Dorothy Barratt of NWBC					C&W Notes	C&W Quantitative Analysis	C&W Initial Qualitative Analysis		
Site Ref.	Site Name	NWBC Categorisation	Total Land Yet to be built out	NWBC Assumed Floorspace (sqft)	Notes	C&W Land Yet to be built out for Big Box (B2 & B8) (sqft)	Area A	Area 2	Land for large scale B8 in Area A / 2 i.e relevant to LP6 (sqft)
"Sites Pending or Approved"									
28	Dirft IV (4) DIRFT Expansion	"Sites Pending or Approved"	254	4,000,000	No application submitted	0	NO	NO	NO
25	MIRA (E4 Allocation)	"Sites Pending or Approved"	42		See below	See below	NO	NO	NO
25	Mira Planning Application (Approved in Principle)	"Sites Pending or Approved"	59		Same as MIRA (E4) Allocation above and B2 focus. Additional land for highways diversion and landscaping only. Already included in "Allocated below")	See REF 59 below	NO	NO	NO
24	Hinckley SFRI	"Sites Pending or Approved"	226		No decision on DCO. Included in REF 58 below	SEE REF 58 below	NO	NO	NO
2	West Midlands Interchange	"Sites Pending or Approved"	242		Included in figures provided below REF 55	See REF 55 below	NO	NO	NO
6	Bermuda Park Extension	"Sites Pending or Approved"	56		No developer involved				
12	Gaydon/Lighthorne (JLR Expansion)	"Sites Pending or Approved"	100		Reserved for JLR only. Not market facing	JLR only	NO	NO	NO
14	UK Central, Solihull	"Sites Pending or Approved"	75+		Mixed scheme, office, residential, leisure mainly. Not applicable.		YES	YES	NO
15	Rail Central SFRI. Northampton	"Sites Pending or Approved"	200+		Project shelved since 2021	Not applicable	NO	NO	NO

As referred to by Appendix G by Dorothy Barratt of NWBC					C&W Notes	C&W Quantitative Analysis	C&W Initial Qualitative Analysis		
Site Ref.	Site Name	NWBC Categorisation	Total Land Yet to be built out	NWBC Assumed Floorspace (sqft)	Notes	C&W Land Yet to be built out for Big Box (B2 & B8) (sqft)	Area A	Area 2	Land for large scale B8 in Area A / 2 i.e relevant to LP6 (sqft)
"Allocated"									
31	TRW Stratford Road, Shirley	"Allocated"	18.5	796,529	Allocated in 2013 and developed for residential and car show rooms.	0 (zero)	YES	YES	NO
32	Land south of Fradley Park	"Allocated"	18.2	783,612	Half developed and other half understood to be HS2 safeguarded	0 (zero)	NO	NO	NO
33	Wilsons Lane	"Allocated"	18	775,001		775,001	NO	NO	NO
34	Bowling Green Lane	"Allocated"	26	1,119,446	As yet undeveloped (allocated since 2017)	1,119,446	NO	NO	NO
35	Lyons Park	"Allocated"	19	818,056	Already developed	0 (zero)	NO	NO	NO
36	Whitley Business Park	"Allocated"	30	1,291,669	Already developed	0 (zero)	NO	NO	NO
37	Land at Bagington Fields and SE of Whitley BP	"Allocated"	25	1,076,390	Not yet developed but subject to flood zone 3 and wildlife creation	750,000	NO	NO	NO
38	A45 Eastern Green	"Allocated"	15	645,834		645,834	NO	NO	NO
39	Dove Valley Business Park	"Allocated"	19.27	829,682	Application submitted	829,682	NO	NO	NO
40	Prologis Park, Minworth	"Allocated"	32.5	1,399,308	Fully developed	0 (zero)	NO	NO	NO
41	The Hub, Witton	"Allocated"	29	1,248,614	Fully developed	0 (zero)	NO	NO	NO
61	Land to West of Birch Coppice	"Allocated"	5.1	219,583	Very early initial plan frm 2017 shows c. 150,000 over 2 units	150,000	YES	YES	150,000
66	Prologis Extension	"Allocated"	5.1 (3.58 net)	219,584	Consent for up to 160,000 sqft	160,000	NO	NO	NO
67	Cadley Hill, Swadlincote	"Allocated"	8	344,445	Listed as 3 ha in Local Plan abd very odd in shape. Looks to have come forward for ALDI and outdoor storage	0 (zero)	NO	NO	NO
68	Woodville Regeneration Area	"Allocated"	12	516,667	Planning includes for supermarket and amenity employment uses. Not suitable for large scale	0 (zero)	NO	NO	NO
69	Tetron Point	"Allocated"	8.08	347,889	Fully developed	0 (zero)	NO	NO	NO
70	Former Drakelow Power Station	"Allocated"	12	516,667	Abnormal shaped site. Small plots	0 (zero)	NO	NO	NO
71	Earl Shilton SUE	"Allocated"	10	430,556	From adopted plan Dec 2009. Reduced to 5.3 ha and small in scale	0 (zero)	NO	NO	NO
72	Former Mckenchnie Brass, Aldridge (IN12.8)	"Allocated"	6.34	272,972		272,972	NO	NO	NO
73	James Bridge Gasholders & South Darlaston (IN110)	"Allocated"	8.12	349,612	As yet undeveloped access via house and canal	349,612	NO	NO	NO
42	Former IMI Works Walsall (IN104.1, IN104.4)	"Allocated"	13.64	587,279	Understood to have planning	620,000	NO	NO	NO
			Total	14,589,395	Total	5,672,547	Total		150,000
"Application Submitted"									
59	Land to the south of MIRA	"Application Submitted"	58.7	2,298,114	Understood to have resolution to grant subject to s106 & highways	2,298,114	NO	NO	NO
58	Hinckley SFRI	"Application Submitted"	Not detailed	8,000,000	Decision expected from September 2024 but based on Leicester & Leicestershire Need	8,000,000	NO	NO	NO
			Total	10,298,114	Total	10,298,114	Total		0 (zero)

As referred to by Appendix G by Dorothy Barratt of NWBC					C&W Notes	C&W Quantitative Analysis	C&W Qualitative Analysis		
"Permission Granted"									
Site Ref.	Site Name	NWBC Categorisation	Total Land Yet to be built out	NWBC Assumed Floorspace	Notes	C&W Land Yet to be built out for Big Box (B2 & B8) (sqft)	Area A	Area 2	Land for large scale B8 in Area A / 2 i.e relevant to LP6 (sqft)
48	Apollo Ansty Phase II	"Permission Granted"		805,625	Fully constructed	805,625	NO	NO	NO
44	Symmertry Park Rugby (Tritax)	"Permission Granted"		899,231	Fully constructed	899,231	NO	NO	NO
46	DIRFT III	"Permission Granted"		696,000	372K built,	696,000	NO	NO	NO
47	MagnaPark Lutterworth Extension	"Permission Granted"		2,036,349		2,036,349	NO	NO	NO
43	Prospero Ansty	"Permission Granted"		0	This is the same as ref 48 above	0 (zero)	NO	NO	NO
49	East Midlands Gateway	"Permission Granted"		811,735	No availability - fully developed & let	0 (zero)	NO	NO	NO
50	i54	"Permission Granted"		4,408,272	Advanced B2 only (only 25 acres for Big Box B2 equating to 435,000 at 40%)	435,507	NO	NO	NO
51	G Park Ashby	"Permission Granted"		753,477	Planning, 10Years+ (odd shaped building)	753,447	NO	NO	NO
52	Infinity Park Derby	"Permission Granted"		860,000		860,000	NO	NO	NO
53	Worcester Six Phase 1A & 1B	"Permission Granted"		1,116,481	280 deal for Mitek achieved. Unclear what this leaves. For Big Box no more than 279,000 sf total	279,000	NO	NO	NO
74	Mountpark Bardon II	"Permission Granted"				535,580	NO	NO	NO
18	Redditch Gateway	"Permission Granted"		450,921	2 units	450,921	NO	NO	NO
54	Peddimore	"Permission Granted"		1,658,250	550,000, B2 land about to be purchase by occupier	1,658,250	YES	YES	550,000
75	Land E of J1 M69 (Hinckley Pakrk)	"Permission Granted"		340,853	Built	340,853	NO	NO	NO
55	WMI Four Ashes	"Permission Granted"		5,916,570	No detailed planning for units, outline consent only. Infrastructure works ongoing for phase 1 of 2.7m sf	5,916,570	NO	NO	NO
			Total	20,753,764	Total	15,667,333		Total	550,000

Appendix 4

APPENDIX 4 – Sites specifically referred to in paragraph 5.21 of Mrs Dorothy Barratt’s proof of evidence

A) Peddimore (identified as sites 4 and 54 on map in Appendix G)



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



C) Rail Central (identified as sites 15 and 45 on map and Appendix G) – Up to 702,097 sqm (Gross External Area)

Link to website showing scheme 'paused' in 2021 [Ashfield Land and GLP pause Rail Central](#)

The screenshot shows the Rail Central website. The header features the Rail Central logo (Northamptonshire) and the tagline "Investing locally, delivering nationally". The navigation menu includes Home, The Project, Project Library, FAQs, News, Get Involved, and Contact us. The main content area displays a news article titled "Ashfield Land and GLP pause Rail Central". The article text states that the project has been put on hold due to COVID-19 complexities. There are two call-to-action boxes: "PROJECT OVERVIEW" with a photo of a railway track and "HOW TO GET INVOLVED" with a photo of two people looking at a map. The footer contains a secondary navigation menu, contact information (phone, email, and freepost), and a copyright notice for 2024 Ashfield Land.

Rail Central

Northamptonshire

Investing locally, delivering nationally

- Home
- The Project
- Project Library
- FAQs
- News
- Get Involved
- Contact us

Ashfield Land and GLP pause Rail Central

Ashfield Land, the promoter and developer for Rail Central, the proposed Strategic Rail Freight Interchange (SRFI) and logistics hub near Northampton, together with JV delivery partner, GLP, have put the project on pause. The complexities created by COVID have caused the JV partners to reassess and put the project on hold.

As the original driver for the scheme and the JV partner with land interests and ownership, Ashfield Land expects to assess appropriate future development options to realise the potential for the site.

Ashfield Land and GLP are grateful to the community, stakeholders and consultees who have all contributed to the detailed engagement on Rail Central to date.

[Back to News](#)

PROJECT OVERVIEW
A snapshot of the scheme

HOW TO GET INVOLVED
Please click here to find out more

- Home
- The Project
- Project Library
- FAQs
- News
- Get Involved
- Contact us

0845 543 8967
Contact us by email
Freepost Rail Central

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[Privacy Policy](#)

Appendix 5

To: The Deputy Leader and Members of the Planning and Development Board

Councillors Simpson, Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, Reilly, Ridley and Ririe.

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

5 FEBRUARY 2024

The Planning and Development Board will meet on Monday 5 February 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests**

General Development Applications

(7/a) Application No: PAP/2022/0423

Land to the South of Watling Street, Caldecote, CV10 0TS

Outline planning permission for Extension of MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class Eg); storage (Class B8); new spine road; car parking, landscaping and enabling works for

ERI MTP Limited

1.Introduction

1.1 The receipt of this application was reported to the Board in October 2022. That introductory report is attached at Appendix A and is to be treated as an integral part of this current report.

1.2 Members will be aware of the land allocated in the 2021 North Warwickshire Local Plan for "employment purposes" is outlined in its Policy LP39. The allocated land here is known in that Plan as Site E4 and there is a corresponding policy covering the conditions for its delivery. The current application site however, whilst comprising the whole of the E4 site, also includes additional land.

1.3 The Board will need to assess the current site against these conditions as well as being satisfied that the inclusion of the additional land can be supported.

a) Amendments

1.4 The most significant changes to the proposal since its submission, relate to the highway content of the proposals, both on-site and off-site. These have arisen from engagement with the three relevant Highway Authorities – National Highways and the Warwickshire and Leicestershire County Councils.

1.5 The most significant changes have affected the off-site junctions of Drayton Lane and Woodford Lane with the A5. The original proposals of October 2022 were for traffic lights to be installed at each junction. This was altered in late 2023 to both junctions only having left-in and left-out arrangements. This was then altered again in late December 2023 to both junctions remaining as present, but with speed mitigation measures being added to the A5. For the benefit of Members, these are now the highway arrangements that are submitted for determination. All of the final arrangements are set out in Appendix B. In summary they include:

- i) The diversion of Weddington Lane (the A444) through the site so as to connect to the existing "MIRA" roundabout on the A5. This would include a new roundabout on the A444 at the southern end of the site.
- ii) The replacement of the current "Red Gate" roundabout at the junction of the A444 and the A5 with a conventional design.
- iii) The consequential re-alignment of the A444 connection to this new roundabout behind the Red Gate Public House.

4. Observations

a) Introduction

4.1 Members are aware of the planning policy background here as outlined in paragraph 1.2 above. The previous report at Appendix A, identified the three main considerations that need to be assessed. These are:

- a) What is the case for supporting the inclusion of the additional land?
- b) Secondly, does the proposal, including the additional land, still accord with the requirements of Policy E4 for the allocated portion of the application site?
- c) Finally, are there any harmful impacts caused by the proposals when treated as a whole, which would clearly outweigh any of the benefits that are claimed for supporting the proposals?

4.2 Each of these will be looked at in turn.

b) The Additional Land

4.3 Policy E4 allocated 42 hectares of land for employment purposes, but the application site extends this to 59 hectares – an increase of 40%. This additional land has been “added” to the south-west of the allocated land such that the southern site boundary extends much further westwards along the A444 – see Appendix J.

4.4 The explanation for the additional land was referred to in the initial report at Appendix A – paragraph 7.5 – indicating that it was needed in order to provide infrastructure works in order to enable the delivery of the allocation. The most important consideration here is the need to provide a new spine road through the site to a specification capable of it also becoming the route of the diverted A444. This dual function is to enable the closure of Weddington Lane at its northern end. This however was not a requirement of Policy E4. It came about following community consultation and gained support from the Warwickshire County Council as Highway Authority. It also had a beneficial impact on the design for the new “Red Gate” roundabout which was supported by National Highways. This was not anticipated at the time of drafting policy E4 and is thus new. In order to accommodate this new consideration, which is essentially a highway matter, the Highway Authority had to ensure that the A444 could be successfully diverted through the site so as to exit at the MIRA roundabout on the A5 and that the location of the closure of the A444 would provide the community benefits as expected. Its solution was to agree to the access into the site from the A444 being moved further west. Additional land was thus required to deliver this solution. This change in approach also enabled the new road to be positioned so as to allow the retention of existing drainage channels and existing hedgerows running north/south through the centre of the site. In respect of the former, this enables a more comprehensive drainage strategy. All of these considerations led to the extension of the allocated site in the current application at its eastern end.

4.5 From the applicant’s perspective, the shape of the allocated site constrained the delivery of larger scale plots capable of accommodating the requirements of the advanced manufacturing interests that were being expressed in the site. The line of the new spine road/A444 through the allocated land would also impact on the deliverability

of these plots and thus reduce the overall developable area. However, the new spine road does provide the opportunity for inclusion of the additional land at the western end of the application site, so as to enable the delivery of these plots throughout the site. The applicant points out that the allocation was for 42 hectares of employment land and the current application provides a developable area of 39 hectares thus meeting the Policy requirement. He says that the allocated site with the access onto the A444 at its far eastern end and running through to the MIRA roundabout, would significantly reduce the developable area available.

4.6 The issues for the Board here are to assess the balance between the various considerations identified above. The application site as a matter of fact is larger than the allocated site and thus does not accord with it. The Board will need to consider whether there are planning considerations here of such weight so as to override this non-compliance. It is considered that in principle there are two and they are outlined below. However, Members will also need to assess whether there are any adverse impacts arising from the inclusion of the additional land and thus place these into the final planning balance. This will be dealt with at the end of this report.

4.7 The considerations that give weight to the present application are firstly the policy background to this proposal. Local Plan policy LP39 allocates land amounting to 57 hectares for employment provision within the plan period. The allocation south of the A5 accounts for around 75% of that total allocation. It is thus the prime employment allocation in the Plan and the proposal as submitted would deliver the size of site to meet the allocation in terms of its developable area. Local Plan policy LP11 sets the overall objective for the employment provision on the allocated sites. It says that the delivery of employment uses should reflect the need to broaden the employment base in the Borough, improve employment choice and opportunities for local people. The current application is primarily a manufacturing proposal intended to complement the Research and Development focus and function of the adjoining MIRA Technology Park, providing the opportunity for investment to provide manufacturing facilities of a scale which are not otherwise capable of being delivered as part of the existing technology cluster. The current application thus represents the key site in delivering the objectives of Policy E11. Additionally, Policy LP6 deals with additional employment land over and above the allocations in Policy LP39. It says that significant weight will be given in decision making to supporting economic growth and productivity, particularly where there is evidence demonstrating an immediate need for employment land. The allocation in Policy LP39 provides that evidence in this case. As a consequence, the proposal as submitted would achieve the delivery of the primary employment objective of the Development Plan.

4.8 The second consideration is the highway background - the access into the site from the A444 being a changed circumstance that carries significant weight. It enables the diversion of the A444 through the site thus enabling the closure of Weddington Lane at its northern end, so that Caldecote becomes a cul-de-sac. This is an overall community benefit not only in highway terms, but also in environmental terms. The fact that the three Highway Authorities have not raised an objection carries substantial weight.

4.9 The representations from Caldecote particularly refer to the additional land and to the preference to have the access at the far eastern end of the site. These were early representations made at the time of the original submitted proposals. These had not been thoroughly worked out in highway terms so as to accommodate the detail of the

engineering arrangements of closing the northern section of Weddington Lane. The responses from the consultation on the final detailed amendments are awaited. From a highway perspective it is anticipated that there will be general support, but the inclusion of the additional land does give rise to other matters and these will be the environmental impacts. As indicated above, these will be identified and assessed below.

4.10 The inclusion of the additional land is thus supported in principle.

c) The Requirements of Policy E4

4.11 It is now intended to address whether the proposal, including the additional land, still accords with the requirements of Policy E4 for the allocated portion of the application site. The policy is set out in Appendix I.

i) The Proposed Uses

4.12 The Policy firstly sets out the employment uses that are to be included in the allocation. In light of the content of Policy E11 indicating the objective of broadening the Borough's employment base and the significance of the established neighbouring MIRA Technology Park and Enterprise Zone, the allocated land is proposed for B2 General Industrial Use as well as for Research and Development use under Use Class E(g)(ii). The policy particularly defines any B8 uses to be ancillary to these named Uses. The application has been submitted as such and the applicant has agreed to the inclusion of planning conditions to achieve this outcome.

4.13 The policy also sets out a requirement for "small incubator units" to be included. There is no such provision in the application. The applicant explains that during 2022, the large MIRA building fronting the A5 was the subject of comprehensive refurbishment and this created a substantial increase in incubation and low carbon innovation space - some 25000 square feet. This is said will complement the existing range of facilities at MIRA and provide the opportunity that was initially set out in Policy E4. The applicant says that it is not commercially viable to replicate these facilities on the application site as they would create competition. The real commercial need for the Technology Park is the provision of manufacturing space and the application site would provide this. Notwithstanding this explanation, the Board will need to assess what weight to attribute to this omission from the Policy. It is acknowledged that this is a commercial decision by the applicant. In overall terms however, it is not considered to be significant, as there will have been an increase in the floor space for these units, albeit on the north side of the A5, but importantly within the overall MIRA cluster, to which, if permitted, the application site will be part of. Additionally, provided the application is appropriately conditioned to B2 manufacturing use, there would be no overall dilution in the delivery of the higher skill employment opportunities being sought here through Policies LP11 and E4. Overall, therefore it is considered that the omission is of low impact.

4.14 The Policy then requires the provision of an overall Master Plan for the allocated site. This is to include a number of elements. Each will need to be addressed. Members are referred to Appendix C for a copy of this Plan.

ii) Heritage Impacts

4.15 The policy requires an assessment to be made of the impact of the proposals on the significance of the heritage assets within and close to the allocated site. Reference

v) Solar Energy

4.27 The policy requires the maximisation of solar energy generation. The energy Statement submitted with the application, requires the provision of photo-voltaic panels on the roofs of the buildings. This can be conditioned. Additionally, the applicant has committed to ensure that the buildings would meet the "excellent" BREAAAM standard in respect energy efficiency – "Building Research Establishment Environmental Assessment Method".

vi) Lighting Impacts

4.28 The policy requires controlling lighting effects so as particularly to minimise the impacts on Caldecote. As this application is in outline, it is important to set the parameters so as to provide the framework for the detail of subsequent reserved matters applications. In this respect those parameters will include the landscaping and separation buffers, limits on the heights of the buildings and a planning condition to ensure that service yards are not included on the southern side of buildings to be erected in the development areas to the south of the site – i.e. Zones 20 and 30 on Appendix C. A detailed technical specification for lighting throughout the site will need to be conditioned.

v) Conclusion on Policy E4

4.29 The proposals do deliver almost the 42 hectares of employment land but through a larger application site, without the provision of smaller incubator units and with less than substantial harm to heritage assets rather than no harm. The issue for the Board is whether these matters carry such weight either individually, or cumulatively, to warrant material non-compliance. On balance it is considered not. The prime objective is being met and the reasons for the increased size in the application site came about after adoption of the Local Plan and they bring material highway benefits to Caldecote. Additionally, the subsequent impacts of the increased site have been dealt with appropriately. The Board will need to make its own conclusion.

d) Other Matters

i) Highway Issues

4.30 Highway matters have been at the forefront of consideration of these proposals. Not only have they given rise to a number of different options to be considered, but they have also been tied up in the design and timing of future improvements to the A5 and they have been raised in practically all of the representations received. They too have affected a wide geographic area well beyond Caldecote itself.

4.31 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – paragraph 115.

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