

**APPEAL PURSUANT TO SECTION 78 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 IN RELATION TO**

**LAND NORTH-EAST OF JUNCTION 10 OF THE M42 MOTORWAY,
DORDON, NORTH WARWICKSHIRE**

APPEAL REF: APP/R3705/W/24/3336295

LPA REF: PAP/2021/0663

**OPENING SUBMISSIONS ON BEHALF OF
THE LOCAL RULE 6 PARTY**

INTRODUCTION

1. The Local Rule 6 Party, a collaboration between Polesworth Parish Council, Dordon Parish Council and Birchmoor Community Action Team, objects vigorously to the proposed development of a major industrial site in the unique and highly valued Strategic Gap between Tamworth and Polesworth with Dordon.
2. It would cause significant harm, which would far outweigh any benefits that the proposal would bring.

MAIN ISSUES

Strategic Gap

3. The Strategic Gap is the only such designation in the Borough and is therefore unique. The protection against encroachment within it has been longstanding: it was first included in the development plan in 1989.

4. This is not a case, though, of a historical policy creation that reflected the needs of a different time. The Strategic Gap has been reviewed regularly:
 - a. it has been protected in all iterations of local planning policy since 1989;
 - b. the importance of the gap to the north of the A5 was noted by an inspector in an appeal in 2016¹;
 - c. it was assessed on behalf of the Council in 2015 and 2018 as preparation of the current Local Plan;
 - d. in the Local Plan Examination Report 2021, the inspector maintained the policy designation and clarified the boundaries.²
5. In the Local Plan Examination Report 2021, the inspector referred to the strength of feeling concerning the Strategic Gap in the locality at §229:

“229. I heard how many local residents accord significant value to the rural surroundings to Polesworth with Dordon, and note that a landscape does not have to be formally protected to merit protection within the terms of NPPF2012 paragraph 109. Part of the intrinsic character to Polesworth with Dordon derives from its separation from Tamworth. In that context, and as clarified via another appeal brought to my attention (the ‘2016 appeal’)³ there has been a longstanding approach taken by the Council here to avoid undue coalescence between Polesworth with Dordon and Tamworth.”

6. It is important that, in this highly technical inquiry, the reality of the experience of those who live in vicinity is heard. The residents will still be here when the rest of us have all left. Many have described the importance of the Strategic Gap in their evidence.

¹ CD K2 at DL 27 and 28.

² CD F14.

³ CD K2.

7. For those that live in the vicinity of the appeal site, the Strategic Gap is not just a creature of planning policy, but a “green oasis” that provides opportunities for social interactions, walks along the numerous footpaths and bridleways, and the chance to observe wildlife and to spend time in nature.
8. The proposal would cause significant impacts. The appeal site is some 750m from north to south and the Strategic Gap between the A5 and Tamworth Road is 1820m. This means that over 40% of the open land in this direction would be lost.
9. If Birchmoor is included as built development in these calculations, the north-south intrusion would be some 1115m north to south or more than 60% of the Strategic Gap.
10. An effect of the extension of the proposed development over the M42 boundary, would be that the identities of Tamworth and Poleseworth with Dordon would become unclear. While the appeal site is in North Warwickshire and the parish of Dordon, when viewed from the east, it would be perceived as being adjacent to the development edge of Tamworth when viewed from the east.
11. The inclusion of orchard planting, public open space and selected woodland planting within the intervening space would then further erode the perceived gap. Further, the landscaping that is proposed to mitigate the removal of all open land between the A5 and Birchmoor would remove all open land. And the proposal would traverse the M42 green corridor removing its screening effect in relation to the service station buildings, which at present means that the perceived gap is greater than it actually is.
12. Within the Strategic Gap itself, its perception from the key highway routes adjacent to the space (particularly the A5) and in terms of views from the edges of the adjacent settlements would all be eroded by the proposed development.
13. In considering these effects, it is important to bear in mind that recent development to the south of the A5 has only reinforced the significance of the Strategic Gap to the north.

Visual impact

14. As to visual impact, the impact upon the local visual setting of the landscape is significant. While there is mitigation proposed, by definition this cannot make development acceptable. The buildings would still be visible.
15. The proposed development would significantly alter the perception for people using the area as a result of the change in land use, introduction of buildings, extensive non-agricultural landscaping and associated uses both within the red and blue lines, and the formalisation of surfaces to public rights of way and thus inconsequentially creating an urban fringe appearance to the current rural land.
16. Views across the area from Birchmoor, Dordon and the A5 would further be significantly altered, particularly from Birchmoor where a planted bund will to all intents and purposes remove any sense of countryside in a southern direction.

Agricultural land

17. The proposed development would remove substantial agricultural land from active use. When off site planting and open space provision is factored in, the loss would be 40.7ha. And even this assumes that the remaining land within the blue line ownership boundary would remain in agricultural use and not be lost as well, which is not understood to be the case. Potentially, perhaps even probably, the amount of agricultural land lost would be significantly higher.

Highway impacts

18. While the Appellant has belatedly sought to reduce the harmful impacts of the proposal in terms of highway safety or the residual cumulative impact on the road network, it has failed to remove them. There remain outstanding concerns from Warwickshire County Council as well as Highways England.
19. In addition, local residents have expressed concern about congestion and the impact of lorries that travel through Birchwood as a result of increased movements in the immediate vicinity.

Need for employment land and HGV parking

20. The Local Rule 6 Party recognises that there is some need for employment land and HGV parking in the Borough.
21. While there is a need for additional employment land, the proposal represents speculative development that does not meet an immediate need. This is contrary to policy and must affect the weight that can be given to the need. The benefits identified have to be weighed against the significant harm to the Strategic Gap.
22. And while there is a similar need for additional lorry parking, these benefits again need to be balanced against the considerable harm to the Strategic Gap.

FURTHER ISSUES

23. As discussed at the CMC, evidence of local residents has been appended to Mr Weekes' Proof. Further issues concerning noise, air quality, light, and impacts on wildlife are set out there.
24. While the Local Rule 6 Party has not been able to provide professional resources to provide professional witnesses in these areas, it does not mean that these issues can be ignored and the Appellant has been given fair notice of the need to deal with them.

CONCLUSION

25. This is a proposal that conflicts with both the development plan and national policy. While a balance must be struck in relation to the need for employment land and lorry parking, this does not justify the harms identified, including to the Strategic Gap.
26. The Inspector will be respectfully invited to dismiss the appeal and to refuse planning permission.

Howard Leithead

17 June 2024

No5 Chambers
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